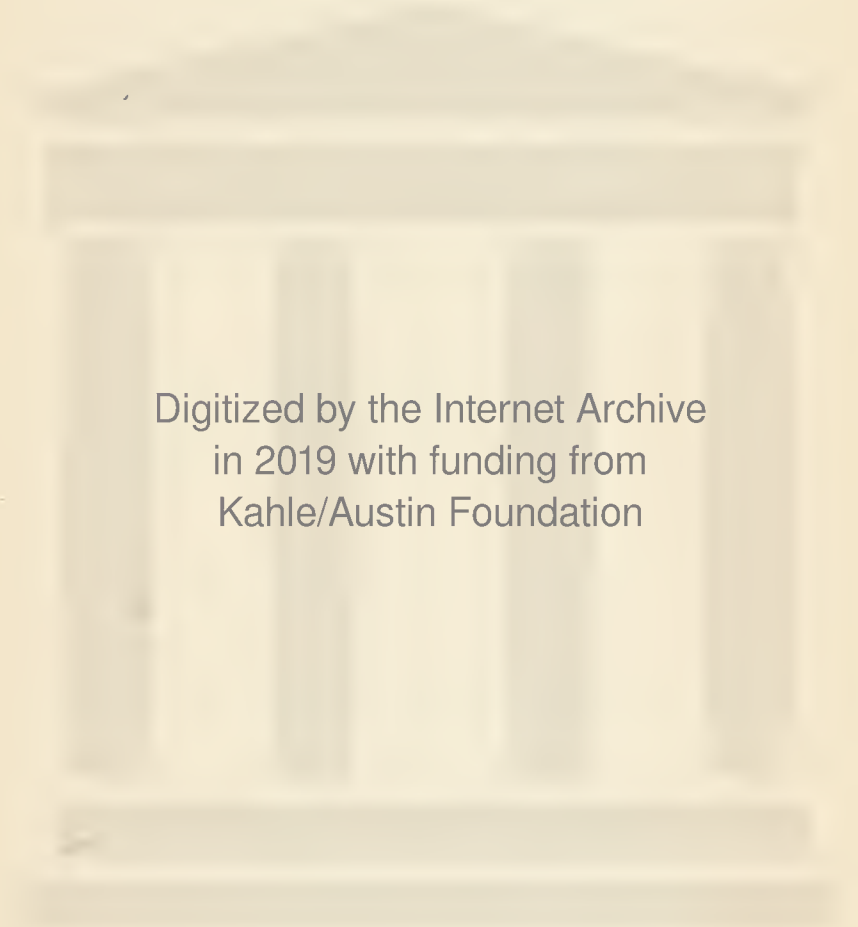
5/-

B. H. BLACKWELL LTD.



Digitized by the Internet Archive
in 2019 with funding from
Kahle/Austin Foundation

https://archive.org/details/speechesoflordbi0000birk

THE SPEECHES OF LORD BIRKENHEAD

THE SPEECHES OF LORD BIRKENHEAD

WITH A PREFACE

by

THE RIGHT HON. LORD HUGH CECIL,

P.C., M.P.

CASSELL AND COMPANY, LTD

London, Toronto, Melbourne and Sydney

DA566.9.B5A3

First published, 1929

Printed in Great Britain

CONTENTS

		PAGE
	PREFACE	ix
1.	FREE TRADE AND THE GENERAL ELECTION	1
2.	THE TRADE DISPUTES BILL	15
3.	TARIFF REFORM	23
4.	VOTES FOR WOMEN	50
5.	SIR ROGER CASEMENT	74
6.	THE AIR SERVICE	90
7.	LAW, WAR AND THE FUTURE	93
8.	GRAY'S INN	116
9.	DIVORCE LAW REFORM	127
10.	THE IRISH TREATY	147
11.	PROBLEMS LEFT BY THE GREAT WAR	178
12.	INTERNATIONAL LAW	195
13.	IDEALISM IN INTERNATIONAL POLITICS	204
14.	THE AMERICAN BAR ASSOCIATION'S VISIT	218
15.	SIR WALTER SCOTT	225
16.	HOUSE OF LORDS REFORM	241
17.	THE INDIAN TROOPS IN FRANCE	259
18.	THE NURSE CAVELL FILM	264
19.	LOOSE THINKING AND OTHER MATTERS	267

000864

PREFACE

By The Rt. Hon. Lord Hugh Cecil, P.C., M.P.

Lord Birkenhead's speeches, which have long been admired, are now published for reading. The merit of them is not difficult to point out. Their supreme quality is lucidity. To be sure, they sometimes exhibit rhetorical ornament and they are often incisive; but even these ornaments and edged phrases depend not a little on the gift of lucidity which has always been at Lord Birkenhead's command. Clear thought brings apt words and supple expression. Lord Birkenhead's is the speaking of a very clear mind which knows exactly what it wants to say. It is also the speaking of a mind which has been assiduously cultivated and has, therefore, the resources of much study and reading to draw upon. Those who have never made speeches and do not know the difficulty of finding the apt word, misled by the pugilistic vigour of some of Lord Birkenhead's speeches, may easily make the mistake of thinking of him as an unlettered prize-fighter in the political ring, whereas in truth he had a shining academic career at Oxford, is a thorough scholar and has at command the cultured elegance of language which comes from learning.

Among what may be called the classical orators with

whose speeches I am at all acquainted, the one most like Lord Birkenhead is Lord Macaulay. Luminous clearness of expression, mastery of arrangement, nervous vigour of sentences, are common to both. Macaulay, to be sure, speaks more in the grand style than Lord Birkenhead, but those who think Lord Birkenhead too incisive and aggressive should read Macaulay on the Unitarian Dissenters Bill. The speech is brilliant and convincing but has passages of unsurpassed insolence: "I have heard with attention the reasons of my honourable friend the Member for the University of Oxford; and I should have heard the reasons of the honourable Member for Kent, if there had been any to hear." Lord Birkenhead was never ruder than that. In truth, the comparison is between two speakers both masters of lucidity who have the temptations which go with the natural gift of aptly expressing thought, including, sometimes, harsh and contemptuous thought. And one common defect must be added to the comparison. It is, I believe, true to say that the effect of Macaulay's speeches was diminished by the excessive rapidity and consequent loss of effective audibility in his delivery; the same criticism is sometimes made about Lord Birkenhead. Too quick a delivery is obviously the easy error of a quick mind. Most speakers are helped to keep the speed of delivery within proper limits by the need of time for thought. Their thinking operates on their speech like the mechanical check which has been suggested for motor cars. They cannot speak too fast. But those who think as quickly as Macaulay and Lord Birkenhead have no such restraint on speed.

I have been always accustomed to regard Macaulay

at his best as an excellent model for parliamentary speaking, even in these days of simpler and briefer oratory. And in respect to Lord Birkenhead's speeches the question naturally rises to the mind, how far might one recommend a young speaker to take these brilliant productions as a model. One great quality may certainly be wisely imitated by anyone who can imitate it, and that is the skill in arrangement. Right arrangement may be put very nearly first among the things for which a young speaker should strive. The very first thing is to be interested in his own speech: every speaker may be sure that if he is not intensely interested in what he is saying, no listener will be interested at all. But next to interest by the speaker in his own speech, is to be put the arrangement of what he wants to say, and in this Lord Birkenhead is most admirable. There is no appearance of effort, but the reader finds himself carried along easily and naturally as if that were the only way the thing could be said, though it is really great art that orders the impressive procession of sentences.

But the young speaker who wisely admires and seeks to copy Lord Birkenhead's power of arrangement will soon find, if he has not found already, that arrangement is to most people a very difficult art. Minds less gifted than Lord Birkenhead's have a lamentable desire to begin in the middle of the subject, and the proper beginning, with all its parts disordered, has then to be stuck in where it can and often in fragments, at the bidding of an overtaxed memory, little bits of what should have been a preamble sometimes intruding themselves inconveniently and ignominiously like unpunctual guests, into the order of the closing peroration itself. So by

all means let young speakers try and imitate Lord Birkenhead in respect to arrangement, though they will find it hard. Next, the clearness of sentence, so worded that everyone can understand without effort, is a model quality in these speeches. This again everyone should try to imitate. And here imitation is safe, for though the pupil may fail, he will not fail altogether nor disastrously; on the contrary, his sentences will certainly be clearer than if he never realized how important clearness is. But when we pass from Lord Birkenhead's clearness to his incisiveness, it is necessary to caution the novice. Incisive speech is a thing which should only be attempted by those who have good grounds for believing that they can do it well. And a young speaker will have progressed far beyond the point at which I should presume to give him advice, before it will be wise for him to be aggressively incisive in speaking in the House of Commons. Lord Birkenhead's maiden speech was very successful but it is a dangerous model. Maiden speakers must be sure of their abilities before they venture to speak with so much confident boldness and in a vein of such vigorous attack as mark Lord Birkenhead's maiden speech. Most new members will be wise rather to invoke Uriah Heep when they address the House of Commons for the first time. Humility and courteous respect can hardly be carried too far on that anxious occasion.

But I have said enough. I will add only one general observation. I believe those who desire to speak well can really improve themselves by studying the speeches and sermons of great orators and then themselves trying —it may be at first on some humble village audience who may be trusted to bear anything—some order of

arrangement, some structure of sentence, some rhetorical artifice, some pointed sequence of words, which has moved them to admiration during their studies. Candidates for large constituencies have to speak a great deal nowadays and would find the tedium of the exercise actually relieved by introducing these rhetorical experiments. Let them, then, make up their little library of oratory, and on the shelf with the rest, put this volume. For Lord Birkenhead's speeches will help them in their tiring task. Both they and their audiences will be rewarded if they will try to teach themselves to speak after his fashion.

The Speeches of Lord Birkenhead

I

FREE TRADE AND THE GENERAL ELECTION

This was Lord Birkenhead's maiden speech in the House of Commons. As Mr. F. E. Smith, the newly returned member for the Walton Division, he delivered it on March 12, 1906, *in a debate on a Liberal resolution that "This House, recognizing that in the recent General Election the people of the United Kingdom have demonstrated their unqualified fidelity to the principles and practice of Free Trade, deems it right to record its determination to resist any proposal . . . to create in this country a system of Protection."*

Mr. Speaker, Sir,—In whatever section of the House hon. members may sit, or however profoundly they may differ from the economic views which underlie the remarks of the hon. member for Blackburn [Mr. Philip Snowden], they will all, at least, desire to join in a tribute to the sincerity and ability displayed in the speech he has just delivered. Speaking for myself, I confess that I have been struck by the admissions which have been made by those hon. members who have spoken in favour of this resolution. I venture to ask hon. members on the Ministerial side, at the height of their triumph, to consider for a moment what is implicitly

involved in their concessions. The hon. member for Blackburn has just told the House that sixty years of free trade have completely failed to ameliorate the condition of the working classes. That is a statement upon which the Opposition have reached some degree of agreement with the hon. member. Where, however, we part company with him, is not upon the great and growing importance of still further ameliorating the condition of the working classes, but upon the feasibility of effectively assisting thirteen million people on the verge of starvation by a revision of railway rates, by unexplained dealings with mine-owners, or by loose, mischievous, and predatory proposals affecting those who happen to own land. The hon. gentleman spoke with bitterness—almost with contempt—of persons possessing large incomes. I would entreat hon. members to make quite sure that they have cleared their minds of cant upon this question.

When I hear vague and general proposals put forward at the expense of large incomes, without any precise explanation as to the principle upon which, or the extent to which those incomes are to be appropriated or tapped for the service of those who are less fortunate, I should like to make an elementary observation, that there are very few members in this House, whether in Opposition, or on the benches opposite, or below the gangway, whose principal business occupation it is not to provide themselves with as large an income as they honestly can. If there is one profession to which that charge cannot be applied, it is, perhaps, the profession to which I myself belong. I, therefore, attach little importance to disparaging observations upon the rich, either from the hon. gentleman or from any one else. Nor do I believe that the policy of unduly burdening the rich will be found—on a just consideration of the action and interaction of economic forces—to be of real advantage to the poor. Labour, after all, is immobile, whereas capital is always fugitive.

What other remedies has the hon. gentleman [Mr. Snowden] for the evils which he so clearly appreciates? He and his friends are alike barren in suggestion. Unemployment yearly grows chronic over a larger area, while a Parliament of Free Importers celebrates in academic resolutions the economic system which has depopulated rural England, has filled the emigrant steamers with fugitives from these happy shores, and has aggravated the evils of the most revolting slums in Christendom. The progress of to-night's debate makes one profoundly conscious of the constructive shortcomings of the Cobdenism of to-day. I myself am a perfectly unrepentant member of the Tariff Reform League. I do not know how many members of the league there may be in the House; it may be that a division would show that they are not more numerous than the representatives of the Liberal League. I have, at least, the satisfaction of reflecting that, if tariff reform is found not to be a winning horse, I have not necessarily compromised my political future. I have in hon. and right hon. gentlemen opposite an admirable example of how to cut the painter of a similar league, with the maximum of political advancement, and the minimum of fidelity to a founder. Such a model of chivalrous loyalty is of great value to a young member of Parliament.[1]

I suppose the resolution has been charitably designed to call attention to differences existing or supposed to exist in the Opposition. I should have thought that we might have looked to hon. gentlemen opposite for a little more charity. After all they have had analogous difficulties. The question of when a tariff becomes protective is no doubt difficult, but not more so than the conundrum, "When is a slave not a slave?" or the problem when, if ever, preferential treatment should be given to Roman Catholic schools. All great political

[1] The reference is to the split and subsequent reconciliation of the Liberal Party concerning the South African War.

parties have skeletons in the cupboard, some with manacles on, and some with only their hands behind their backs.[1]

The quarrel I have with hon. gentlemen opposite is that they show an astonishing indelicacy in attempting to drag our skeleton into the open. Not satisfied with tomahawking our colleagues in the country, they ask the scanty remnant in the House to join in the scalp dance.

I do not think we can complain of the tone of a single speech which has been made from the opposite side of the House. We were particularly pleased with the remarks which fell from the hon. member for East Toxteth [Mr. Austin Taylor], for he entered the House, not like his new colleagues, on the crest of the wave, but rather by means of an opportune dive.[2] Every one in the House will appreciate his presence, for there can be no greater compliment paid to the House by a member, than that he should be in our midst, when his heart is far away, and it must be clear to all who know the hon. member's scrupulous sense of honour, that his desire must be at the present moment to be amongst his constituents, who are understood to be at least as anxious to meet him.

The resolution before the House consists of two parts. In the first, we are asked to recognize the merits of what is described on an obscure prescriptive principle as free trade, and, in the second, we are invited to register the proposition that the country gave an unqualified verdict in its favour. The word "unqualified" is in itself ambiguous, and may have more than one meaning. If

[1] Liberals justified certain "Chinese Slavery" posters on the ground that the coolies were depicted in them, not as being in chains, but merely "as having their hands behind their backs."

[2] Mr. Taylor was returned for the East Toxteth Division of Liverpool as a Conservative at a bye-election in 1902. At the General Election of 1906 he stood as a Unionist Free Trader, and was returned unopposed. Shortly after Parliament assembled he crossed the floor of the House and became a supporter of the Liberal Government.

we say that a man is an unqualified slave, we mean that his condition can be honestly described as completely servile, and not, merely, as semi-servile. If, on the other hand, we say that a man is an unqualified medical practitioner, or an unqualified Under-Secretary, we mean that he is not entitled to any particular respect, because he has not passed through the normal period of training, or preparation. It is, on the whole, probable that the word is used in the first sense in the present motion.

But, perhaps, it is necessary to distinguish even further. When hon. gentlemen opposite are successful at the polls, it is probably used in the first sense. In the comparatively few cases in which I and my friends were successful, it is used in the second. Birmingham, under circumstances which will never be effaced from the memory of hon. gentlemen, on whichever side of the House they sit, displayed the rare and beautiful quality of political constancy, and voted in all its divisions for tariff reform. [Laughter.] The result is sneered at, in the spirit of the laughter which we have just heard, as a triumph for Tammanyism, or, more profoundly analysed by an eminent Nonconformist divine, as an instance of that mysterious dispensation, which occasionally permits the ungodly to triumph. Hon. gentlemen opposite are, in fact, very much more successful controversialists than hon. members on this side of the House.

It is far easier, if one is a master of scholarly irony, and of a charming literary style, to describe protection as a "stinking rotten carcase"[1] than to discuss scientifically whether certain limited proposals are likely to prove protective in their incidence. It is far easier, if one has a strong stomach, to suggest to simple rustics, as the President of the Board of Trade did, that, if the Tories came into power, they would introduce slavery on the hills of Wales. [Mr. Lloyd George: "I did not say that."]

[1] It was so described by a prominent Liberal M.P.

The right hon. gentleman would, no doubt, be extremely anxious to forget it, if he could; but, anticipating a temporary lapse of memory, I have in my hand the *Manchester Guardian* of January 16, 1906, which contains a report of his speech. The right hon. gentleman said: "What would they say to introducing Chinamen at 1s. a day into the Welsh quarries? Slavery on the hills of Wales! Heaven forgive me for the suggestion!" I have no means of judging how Heaven will deal with persons who think it decent to make such suggestions. The distinction drawn by the right hon. gentleman is more worthy of the county court than of the Treasury Bench. I express a doubt whether any honest politician will ever acquit the right hon. gentleman of having deliberately given the impression to those he thus addressed that, if the Conservative party were returned, the hills of Wales would be polluted by conditions of industrial slavery. The alternative construction is that the right hon. gentleman thought it worth his while, in addressing ignorant men ["No"] —in relation to the right hon. gentleman they are ignorant; is that disputed?—to put before ignorant men an abstract and academic statement as to Chinese labour on the hills of Wales. If he did not mean his hearers to draw the false but natural inference, why make any reference to Chinese slavery as a conceivable prospect on the hills of Wales?

Was even Manchester won on the free trade issue? I hear hon. gentlemen opposite say "Yes." I think they must be from the south of England. If Manchester was won on the free trade issue, perhaps hon. gentlemen will explain why repeated meetings were devoted to the less effective and attractive cry, and why specialist speakers like Mr. Creswell were brought down to discourse to the electors on the evils of Chinese slavery. Mr. Speaker, I am not unaware that, owing to the eccentricities of municipal geography, Salford is not, technically, a part of Manchester, but a Salford member

is near enough to wear the green turban of a pilgrimage to Cobden's Mecca. The hon. member for Salford [Mr. Hilaire Belloc] has stated that he was returned to the House, pledged to urge insistently on the Government, which profited by a false cry, the immediate repatriation of the coolies now on the Rand. Shall I be told that in that case the electors were giving an unqualified verdict for Cobdenism, or for what is called in this resolution free trade ? I do not think that the hon. and learned gentleman, who fought so strenuously in East Manchester [Mr. T. G. Horridge], will get up and tell the House that in his constituency the verdict was an unqualified one for free trade. I have some choice specimens of the bread that he threw on the waters in order, I suppose, to elicit this unqualified verdict. He is reported, in the *Manchester Guardian* of 13th January, to have said that the Chinese had not been the means of bringing one single piece of white labour to South Africa. The hon. and learned gentleman appears to think that white labour is introduced in slabs. He said : " You are voting, if you vote for Mr. Balfour, for the exclusion of white labour from South Africa "—not for Cobdenism. The hon. gentleman continued : " Where was that thing going to stop ? " Mr. Speaker, this is precisely what we should like to know to-day. " Were they going to have Chinamen working in the mills at Bradford ? Let the people of this division show by their votes "—what ? Their devotion to free imports ? No—" That they would have none of this wretched coolie labour in South Africa, and strike a blow for freedom to-morrow at the polls."

There is an interesting point of analogy between the hon. and learned gentleman and the " wretched coolies," of whom he has so low an opinion. To-day he is in, and they are in, and it rather looks as if they are going to remain in as long as he and his friends. It was in this way that the poorer districts of Manchester were captured—Cobden's Manchester. Did the hon. member, the Under-Secretary for the Colonies [Mr. Winston

Churchill], use his great and growing local influence on behalf of what in his heart and conscience he knew to be the truth ? I say " on behalf of what he knew to be the truth," because the hon. member is reported in the *Manchester Guardian*, as having said on June 12, 1903, that he was quite sure that supplies of native or Chinese labour would have to be obtained, and ought to be obtained for the mines in the interests of South Africa as a whole. I will not weary the House with the whole of the Under-Secretary's peroration. I rather think it has been at the disposal of both parties in the House before undertaking a provincial tour. Mr. Speaker, it is easy for the Under-Secretary to come to the House and state in the debate on the Address that he attempted to confine the issue at the election to the single point of Cobdenism, to the single merits of free trade, and that he had therefore no responsibility for an incendiary campaign. To that I reply, *Proximus Ucalegon ardebat*,[1] which I may venture to construe—*Proximus*, in an adjacent constituency ; *Ucalegon*, the hon. and learned gentleman [Mr. T. G. Horridge] ; *ardebat*, was letting off Chinese crackers. The Under-Secretary did not then explain that the coolie processions, which his learned friend was so forward in organizing, were merely contributions to the problem of the unemployed, or that slavery was a terminological inexactitude. He profited by the storm of generous anger which these falsehoods, being believed, excited among the Lancashire democracy. He took what he could get, and thanked God for it. Mr. Speaker, the rôle of the receiver of stolen reputations is rather less respectable in the eyes of the man of spirit than that of the principal thief.

I must, however, in candour admit that the question of cheap food was brought forward in many constituencies with great persistency and ingenuity. The hon. member for North Paddington [Sir (then Mr.) Chiozza Money], with an infinitely just appreciation of his own

[1] Virgil, *Æneid*, 2,311 : " Your neighbour Ucalegon is in flames."

controversial limitations, relied chiefly on an intermittent exhibition of horse sausages as a witty, graceful, and truthful sally at the expense of the great German nation.

I do not understand what the Secretary of State for War[1] means by saying that the Liberal Party has no ideas. The Liberal League always was a drag upon the holy wheel of progress. In Wales, apparently, they like it strong, and the President of the Board of Trade [Mr. Lloyd George] informed one favoured audience how large a part horse-flesh plays in the simple diet of the German home. The same speaker is never tired of maintaining that protection has tainted and corrupted German public life. I understand that any trade negotiations which may become necessary with Germany must be conducted through the right hon. gentleman. I am not sanguine of the outcome. If you have a difficult business transaction to carry through with a competitor, a prudent reflection would perhaps suggest that it is unwise to describe him publicly as a corrupt scoundrel, subsisting principally upon the flesh of horses.

I do not suppose that, now the fight is over, now that the strategy has been so brilliantly successful, away from the licence of the platform, in the House, where their statements can be met and dealt with, hon. gentlemen will deny that the immediate effect of a two shilling duty on corn will be an illimitable development of colonial acreage suitable for the growth of wheat. ["Oh, oh."] I am astonished to hear sounds of derisive dissent, for I rather thought that at the time when Lord Rosebery, from whom I was quoting with verbal precision, made that prediction to divert the English farmer from tariff reform, hon. gentlemen were in the same tabernacle, or furrow, or whatever was the momentary rendezvous of the Liberal party. At the moment, hon. gentlemen will recollect, the other ship looked like sinking—there was a temporary slump in the "methods of barbarism"

[1] Lord (then Mr.) Haldane had recently made this criticism.

section. I venture to ask hon. gentlemen, to tell us in the candour of victory, whether any one really doubts that Canada would, in a few years, be able, under judicious stimulation, to supply the whole English consumption of wheat? ["No, no."] Sir Wilfrid Laurier says it can, and hon. gentlemen say it cannot. Perhaps the Under-Secretary for the Colonies [Mr. Winston Churchill], whom I am sorry not to see in his place, will put Sir Wilfrid Laurier on the black list with Lord Milner,[1] and refuse to protect him any longer.

Does the House recollect La Fontaine's insect—the species is immaterial—which expired under the impression that it had afforded a lifelong protection to the lion, in whose carcase its life was spent?

There is hardly a Canadian statesman who does not go further than Sir Wilfrid Laurier in the direction of tariff reform. Earlier in the debate some reference was made to Mr. Fisher, and I desire to speak of Mr. Fisher's views and ability with great respect; it is not necessary to vilify any colonial politician with whom you disagree. But, in Canada, Mr. Fisher and Mr. Goldwin Smith are in a minority of two, and Canada has almost reached the stage—one day, I hope, to be attained in England—of exhibiting Free Importers in her museums. An official report, ordered by the United States Government in 1902, found the district contributory to Winnipeg capable, within the lives of persons still living, of supplying enough wheat to provide for the consumption of the world. If this be true, or half true, what becomes of the nightmare of apprehension, which has made hon. gentlemen opposite so infinitely tedious for the last few years? If an illimitable supply of Canadian corn is coming in untaxed, what becomes of the little loaf? Once again, I recognize in hon. gentlemen opposite our electioneering masters, and I compliment them, if

[1] Mr. Churchill had recently stated in the House of Commons that he did not feel called upon to protect Lord Milner in the future.

not on an unqualified verdict, at any rate, upon an unqualified inexactitude.

Some hon. gentleman ventured upon a more ambitious line of argument, and, in doing so, permanently enriched the economic knowledge of the country. We were told that it is not a disadvantage, but rather an advantage, that English factories should be removed abroad. Perhaps some consistent logician will shortly introduce a Bill offering bounties to capitalists who remove their works abroad. Let us by all means drive from the country everybody who has work to give, and then wave banners, like the hon. member for Merthyr Tydfil [Mr. Keir Hardie], in the " Right to Work Committee."

A fortnight ago hon. gentlemen opposite, calling in aid every resource of pathos, indulged in moving sentiments about the feeding of starving children. If the matter had been pressed to a division, I should have voted with them, but I should have done so without prejudice to my convictions as to the economic system which gave rise to the necessity. I should like to know how hon. gentlemen opposite explain the growing poverty of the poor. [" The War."]

Since this House of Commons met, we have heard a great deal about the war. I would suggest to hon. gentlemen, as a humble admirer of their methods, that, if they wish for targets in that matter, they ought to aim, not at the Opposition Benches, but at right hon. gentlemen who sit on the Front Government Bench. Hon. gentlemen opposite should remember that the present Secretary of State for War [Lord (then Mr.) Haldane] justly observed that the Boers waged the war, not only with the object of maintaining their independence, but also to undermine our authority in South Africa; and the present Attorney-General [Sir John Lawson Walton] said that the war could be shown to be as just, as it was inevitable, and to have been defensible on the grounds of freedom. The circumstances of which you complain were anterior to the

war. While the only panacea which hon. gentlemen opposite can suggest is the employment of broken down artisans in planting trees, and constructing dams against the encroachment of the sea, the Unionist party need not be discouraged by their reverses at the polls. We will say of the goddess who presides over the polls, as Dryden said of Fortune in general:

> "I can enjoy her while she's kind;
> But when she dances in the wind,
> And shakes her wings, and will not stay,
> I puff the prostitute away."

Was the verdict unqualified, having regard to the aggregate number of votes polled on behalf of Liberal members? The votes polled at the last election for Liberal, Labour, and Nationalist candidates were 3,300,000, while those polled for tariff reform candidates and other gentlemen sitting around me were 2,500,000. ["No! Not true!"] I gather that it is suggested that my figures are wrong. ["Yes."] They very probably are. I took them from the *Liberal Magazine*.

Perhaps the Minister of Education [Mr. Birrell] was responsible for them, before he gave up the hecatomb line of business for the Christian toleration and charity department. I venture to suggest to hon. gentlemen opposite, that the figures I have quoted, so far as they are accurate, are not altogether discouraging to those who, for the first time after so many years of blind dogma, have challenged the verdict of the country on the issue of tariff reform. What would hon. gentlemen who represent Ireland say, if it was suggested that they were Cobdenites? Will one of them get up to say that Cobdenism has brought prosperity or success to Ireland, or to guarantee that a representative Irish Parliament would not introduce a general tariff on foreign manufactured articles? The jury who gave this unqualified verdict is unaccountably silent. The spectacle of the Cobdenite hen cackling over a protectionist duckling

of her own hatching in Ireland would add a partially compensating element of humour even to the prospect of Home Rule.

The Irish and—I may add—the Indian case for tariff reform were both once and for all conceded by the "infant community" admission of Adam Smith. Why do we force upon India and Ireland alike a system, of which every honest man knows that—whether it be good or bad for us—it denies to them the right to develop and mature their nascent industries upon the lines in which they themselves most earnestly believe, and in which every country in the world except Great Britain believes? The answer is as short as it is discreditable. We perpetuate this tyranny in order that our Indian and Irish fellow-subjects may be forced to buy from our manufacturers articles which they would otherwise attempt to manufacture for themselves. In other words, we perpetuate in these two cases a compulsory and unilateral trade preference—demonstrably the fruit of selfishness—at the sacrifice of a voluntary and bilateral preference, based deep and strong upon mutual interest and mutual affection.

I have heard the majority on the other side of the House described as the pure fruit of the Cobdenite tree. I should rather say that they were begotten by Chinese slavery out of passive resistance, by a rogue sire out of a dam that roared. I read a short time ago that the Free Church Council claimed among its members as many as two hundred of hon. gentlemen opposite.

The Free Church Council gave thanks publicly for the fact that Providence had inspired the electors with discrimination to vote on the right side. Mr. Speaker, I do not, more than another man, mind being cheated at cards; but I find it a little nauseating, if my opponent then publicly ascribes his success to the partnership of the Most High. What the future of this Parliament has in store for right hon. and hon gentlemen opposite I do not know, but I hear that the Government

will deny to the Colonial Conference of 1907 free discussion on the subject which the House is now debating, so as to prevent the statement of unpalatable truths. I know that I am the insignificant representative of an insignificant numerical minority in this House, but I venture to warn the Government that the people of this country will neither forget nor forgive a party which, in the heyday of its triumph, denies to the infant Parliament of the Empire one jot or tittle of that ancient liberty of speech, which our predecessors in this House vindicated for themselves at the point of the sword.

II

THE TRADE DISPUTES BILL

This was Lord Birkenhead's second important speech in the House of Commons. He made it on March 30, 1906, *in a debate on the Trade Disputes Bill, which proposed to confer on trade unions immunity from actions of tort. This Bill, which was much criticized during the General Strike of* 1926, *has now been largely superseded by the Trade Disputes Act.*

Mr. Speaker, Sir,—I have always held views on this important industrial question, which are not those held by gentlemen below the gangway,[1] but they will in justice recognize that I, at least, was returned to this House by a very large working-class constituency on no false pretence. I shall not attempt to tell the House that there was some ambiguity about a pledge given by me at the time of the general election. I was asked in my constituency, and there was no ambiguity about the question, whether or not I would vote, not for a general Bill to introduce some amendment, not clearly defined, into the trade union law, but for the Shackleton Bill, and I believe there was hardly an hon. member who was not asked in the same unequivocal and explicit manner if he was in favour of that Bill. I replied, with a reluctance which the House will easily appreciate, for I was anxious to enter the House of Commons, and I knew that the Bill was popular, the subject being imperfectly

[1] The Labour party.

understood, that I was not able to support that Bill, and therefore would vote against it.

Sincerely and honestly believing in their right to the Bill as the Labour members do, and being aware of the explicit pledges given by hon. gentlemen opposite, they might well have been excused if they had, during the speech of the Attorney-General, quoted that simple and beautiful expression, "Enough of this foolery." For myself, however, I do not represent merely the interests of organized labour, but also, in common with many other members of the House, that large body of working men, not members of a trade union, and I ask leave to point out that not merely is there no presumption that on this point hon. gentlemen below the gangway represent unorganized labour, but that the very opposite presumption must be admitted.

I have never heard that any petition was ever presented to the House asking that working men who do not belong to a trade union might be subjected to "peaceful persuasion," or that their dwelling-houses might be beset by a hundred men to "give them information." Nor am I aware that unorganized labour has ever indicated a clear desire that, if it sustained these or any analogous wrongs at the hands of organized labour, it should be cut adrift from those forms of effective redress which an equal system of jurisprudence has hitherto enabled parties injured before the law to exact from the persons who have wronged them. In this House trade unions are powerful and articulate. Unorganized labour, on the other hand, is weak, silent, and suffering. No congress places on record its turgid resolutions. At election times it exacts few pledges. Its very helplessness gives a special claim to the consideration and the protection of the House.

It is not until we consider the conspiracy clause and the peaceful persuasion clause together, that we come face to face with the true pretensions of this Bill. What is their joint effect? We are asked to permit a hundred

men to go round to the house of a man who wishes to exercise the common law right in this country to sell his labour where and when he chooses, and to "advise" him or "peacefully persuade" him not to work. If "peaceful persuasion" is the real object, why are a hundred men required to do it? I know of no one who is more peaceful than the member for Merthyr [Mr. Keir Hardie], and I am sure that no man can be more persuasive. The Attorney-General [Sir John Lawson Walton] will agree with that.

If I were a man who was wishful to dispose of my labour as I chose, although the member for Merthyr might not persuade me to break a contract, still, if the hon. member came with fifty other peaceful persuaders to the house where I and my wife live, I fear I should be much more likely to yield to persuasion than if the hon. gentleman came by himself. We are told that another object of these well-attended deputations is that information may be given. Is it more convenient that information should be given by fifty men, than by one man? Even in this House it is recognized that, as a general principle, it is more convenient that one member should address the House at one time.

Every honest man knows why trade unions insist on the right to a strong numerical picket. It is because they rely for their objects neither on peacefulness nor persuasion. Those whom they picket cannot be peacefully persuaded. They understand with great precision their own objects, and their own interests, and they are not in the least likely to be persuaded by the representatives of trade unions, with different objects and different interests. But, though arguments may never persuade them, numbers may easily intimidate them. And it is just because argument has failed, and intimidation has succeeded, that the Labour Party insists upon its right to a picket unlimited in respect of numbers.

I proceed now to discuss the most startling proposal of all contained in the Bill—a proposal monstrous in its

character, and brought forward now for the first time —that *tort feasors* shall be made immune by Act of Parliament against actions to recover damages for their unlawful acts. A trade union executive may authorize libel, arson, or violence, but its funds are to be protected from suit at the hands of the injured person. Few persons have troubled to inquire whether trade unions ever did in fact enjoy that exceptional position, which is now claimed for them with perfect sincerity by hon. gentlemen below the gangway.[1] It is an unfounded belief upon this point which led the vast majority of hon. gentlemen opposite to agree to support this Bill, in the event of its being brought before Parliament. The opinion of any man who is not a lawyer is not worth a brass farthing ——[Mr. Crooks: "That is good trade unionism."]

Yes, quite good, and, if the observation pleases the hon. gentleman, my profession are trade unionists, but we do not ask hon. gentlemen below the gangway to enable us to "peacefully persuade" in large numbers in the chambers of competitors. What I mean to say is, of course, that only a lawyer's opinion possesses value, not upon the general question of social policy underlying this difficult subject, but on the purely legal question whether before 1871 trade unions enjoyed immunity. I do not ask the House to take my opinion on that matter —though at another time, and for a consideration, I shall be very pleased to give it—but to take the words of as accomplished a lawyer as the present Attorney-General [Sir John Lawson Walton], who, quite recently, has assented to the view that, historically, there is no foundation for that argument. A very distinguished Liberal lawyer, Mr. Cohen, has pronounced an opinion upon the point agreeing in every detail with that of the Attorney-General.

The hon. member below the gangway [Mr. Hudson] said that, before the year 1871, there was a complete immunity for the funds of trade unions. My answer

[1] The Labour party.

is that, before that year, the theory of the English law knew no such immunity. Before that year, a trade union was merely an aggregation of individuals, and, if all those individuals were made parties in an action of tort and cast in damages, such property as they possessed could have been taken in satisfaction, including the trade union property. It was difficult, perhaps, to get at their property, but the difficulty was a physical, not a legal one. Since the Judicature Act and the well-known order of 1883 made pursuant thereto a representative action has become possible on the common law side. The law thereafter was clear that a trade union could be properly sued in a representative action, and their funds made liable for any damages in which they might be cast.

No body of men in this country to-day is able to establish a claim of immunity, such as is put forward by hon. gentlemen below the gangway. We have been told repeatedly, in the course of the debate, that employers can get their damages from the actual wrongdoers, but I may remind the House that in ninety-nine cases out of a hundred the men, from whom we are told they could get damages, are men of straw.

I venture to address to the Labour members a clear and definite question raising an issue which, at least, is an issue of principle: are they prepared to extend to associations of employers the same immunity, which they ask the House to grant to the trade unions? ["Yes."] Are they prepared to say that, if an association of employers cause damage to their union to the amount of £10,000, the remedy of members of the union should be limited to an agent with £100 a year—a man of straw from whom they could not get a farthing? I do not gather that there is an entire unanimity in the answer from the Labour benches. ["Yes."] The words of the Bill just admit of that construction, but it is by no means clear that, under the *eiusdem generis* rule the expression "similar associations" would not be construed

to mean associations closely analogous to trade unions, that is to say, of employees only.

A suggestion has been made from below the gangway on the Ministerial side of the House that an adequate reason why trade unions ought to have this privilege is that they are to-day unable to sue. Let me here ask a question, which brings the matter back to a very narrow compass. If trade unionists are given the right to sue, will they abandon the claim they are now making ? ["We don't want it."] That is, at least, an honest answer. They do not want the right to sue, but, that being the case, they should not allow without protest the argument to be advanced, that they justify this measure on the ground that they do not possess the right to sue.

I wish to say a word in conclusion on the position of the Government. The Attorney-General is one of the few men in the House with whom I have the good fortune to be in thorough agreement both on the moral and legal questions underlying this proposal. In introducing the Government measure the Attorney-General said : "You may, in your wish to prevent injustice being inflicted on trade unions, create injustice against individuals who are members of the community." But, if the Government intend to leave the question to the House, no one is under the slightest misapprehension as to what the House will do. Therefore, if the Government leave it to the House, they are willing, on their own admission, to "create injustice against individuals who are members of the community."

The Attorney-General admits that "you are proposing class privileges." That is what the Government will do, if it leaves the question to the House. They are about to "create a privilege for the proletariat." They are going to "remove from the unions and particularly from the agents, the sense of responsibility." I would much rather give the vote which the Labour members are about to give, because they honestly believe in the

principle that underlies the Bill, than the vote which will be given by the members of the Treasury Bench, for a measure which the Chancellor of the Exchequer [the late Lord Oxford, then Mr. Asquith] has pronounced to be wholly inadmissible. They are about to vote for a measure of which the Attorney-General has spoken in language which hon. gentlemen below the gangway will not soon forget, whatever the fate of this measure may be. Let us not hear from benches opposite, or, at least, from the Treasury Bench, any more talk of opportunism, or political cowardice.

We on this side of the House will be voting for what we believe to be right, although it may do us political harm in the country. We are incurring this risk, because we think it is right, but the front Ministerial Bench are doing what they believe to be wrong, because they think it will do them political good. At last we have driven the most powerful Government of modern times into the open, and, after all, the colossus has feet of clay. The House, the Party, and the country asked the Government for a lead, and the Government put up the Attorney-General to say that they are better at following. I congratulate the hon. member for Merthyr Tydfil [Mr. Keir Hardie] upon the captures he has made on the Front Bench. He may say, "The Treasury Bench is my wash-pot, and over the Attorney-General have I cast out my shoe." I compliment the hon. member upon his victory. He is entitled to say as he looks at each individual victim on that bench: "A poor thing, but mine own." The Attorney-General, on his part, may say to the hon. gentleman, in the words of Princess Ida:

> "Ask me no more, dear love,
> For at a touch I yield."

The Opposition, whether the result prove in the event to be a political advantage or a political misfortune, at least at a time of unexampled stress to every man who

was anxious to win his way into the House of Commons, said that they would vote against this measure. But the occupants of the Government Benches are voting for this Bill against their deliberately formed and twice repeated convictions, because they dare not face a mutiny which they cannot quell—an example which, whether or not it proves favourable to their advancement at the polls, will not tend to raise the standard of public morality either in the country, or in the House.

III

TARIFF REFORM

This speech was delivered at Chatham on March 24, 1909.

Gentlemen,—I greatly value the opportunity which you have given me to-night of addressing so many working men upon the subject of Tariff Reform. I value it especially, because I know that many among you are in the habit of addressing your fellow-workmen upon political subjects, and if I am so fortunate as to put before you any argument which is worthy of your attention, it will, I know, be presented to a far larger audience even than the great gathering before which I stand to-night.

Any one is foolish who pretends that the fiscal question is simple; that it can be reduced to formulæ, or made the subject of dogma. It is, on the contrary, immensely complex. It is like a stone with many facets, each of them varying according to the point of inspection, each of them deserving, and indeed requiring, a detailed and individual inspection. It is a question which demands a study of economics; but it is, none the less, one upon which an economist, whose mind is unillumined by political intuition or business training, may go far astray. It is a question of politics, but one upon which a politician, whose policy is divorced from the science of economics, would hardly be a trustworthy guide. I am presumptuous enough to hope that I may satisfy you that political wisdom, sound economics, and an informed business

instinct may march hand in hand to the goal of Tariff Reform.

Now, the first condition of clear thinking upon this subject is that we shall resolutely and once for all refuse to become the slaves of words. Protection and Free Trade are words only. They were suitable to express the controversies of past generations, but they recall at once an atmosphere, and presuppose conditions, which, in the present state of international competition, are old-fashioned, and even obsolete. Speaking, however, for myself, I do not hesitate to reply to the challenge that I should declare myself, although I think that the labels of controversy have long since lost any true correspondence with the industrial problems of to-day. As between Free Trade and Protection, I am a Free Trader.

I am a Free Trader—presupposing these alternatives—not because I am convinced by the abstract reasonings of Cobden, which pretend to apply, as an economic generalization, to any community in any stage of its development, but because I am an Englishman, and looking round at the world, and at the relative commercial developments of the nations to-day, I am satisfied that if foreign nations were misguided enough to accept the same doctrine, English manufacturers, and, consequently, English working men, would gain more by their unrestricted access to foreign markets than they would lose by foreign competition in English markets. But if I were a Russian or a Canadian, or a subject of the Mikado of Japan, then, as between Free Trade and Protection, I should be a Protectionist, because, in my judgment, each of these nations would gain less by their unrestricted access to foreign markets than they would lose by exposing their relatively immature industries to our highly developed competition in their home markets.

No nation under modern conditions can become great which does not possess mature and developed industries, and I am unaware of a single case in history in which a nation has created a generous stream of natural industries

under a system of free imports. We asserted, as you are aware, our own supremacy, under a protective system. It is hardly, therefore, necessary that I should admit that, if I were a native of India or an Irish politician, I should insist upon a policy of Protection. Indeed, the strongest argument in favour of Home Rule of which I am aware is that the present government of Ireland imposes upon an unwilling community a fiscal system which Irishmen of all political views unite in condemning. But it is, in fact, a waste of time to consider at length where we stand as between the alternatives of Free Trade and Protection. We are offered no such choice. We must choose between Protection and one-sided Free Imports. Confronted with such alternatives, I am conscious of no doubt whatever. If this indeed be the choice, I am a Protectionist.

To many of those whom I see before me, this statement, baldly made, may seem startling, and it is my hope to justify it in the observations to which I am about to ask your attention. I have proposed to myself certain definite objects to-night, and it will be for you, in your kind indulgence, to judge how far I succeed in establishing the conclusions which I ask you to accept.

I hope to satisfy you (1) that there is more unemployment and consequent misery among the working classes in Great Britain to-day than in any Protectionist country of the first class in the world ; (2) that our present fiscal system is largely responsible for that lack of stable employment among the working classes which is the principal cause of their distress ; (3) that it is still in our power, by a wise and moderate measure of Tariff Reform, to alleviate many of the evils by which we are at present afflicted. I proceed to consider the first of these points.

The famous admission of Sir Henry Campbell-Bannerman that thirteen millions of our population live underpaid on the verge of starvation meets us on the threshold of this consideration. If this be true of Great Britain, and not true of our greatest Protectionist rivals,

it will be necessary to ask what difference of circumstance or policy, other than a fiscal difference, is available as an explanation. Is then the statement true? I will give you reasons which convince me that it is. I do not at the moment deal with the case of trade unions. The unemployment figures among their members are startling, sinister, and progressive, but the subject of our inquiry is a wider one. Trade unionists number two millions. Other wage-earners in Great Britain number ten millions. What is their condition? That careful investigator, Mr. Booth, in his "Life and Labour of the People," announced his conclusion in these terms—

> The result of all our inquiries makes it reasonably sure that one-third of the population are on or about the line of poverty or are below it, having at most an income which, one time with another, averages twenty-one or twenty-two shillings for a small family (or up to twenty-five or twenty-six shillings for one of larger size), and in many cases falling much below this level.

Mr. Booth shows that in London alone—the clearing-house of the world, as Free Traders proudly term it—354,444 men, women, and children live in chronic want on less than eighteen shillings a week per family, while 938,293 persons subsist on less than twenty-one shillings a family.

Mr. Rowntree's investigations showed that these incredible conditions applied in an almost exactly similar degree to the city of York. Listen to his conclusion—

> It was found that families comprising 20,302 persons, equal to 43·4 per cent. of the wage-earning class, and to 27·84 per cent. of the total population, were living in poverty.

Nor should we overlook Mr. Booth's reasoned conviction—

> I have long thought that other cities, if similarly tested, would show a percentage of poverty not differing greatly from that existing in London.

These observations were made some years ago, but no one will have the hardihood to argue that the case has improved. It has notoriously grown worse. Nor must we forget that the figures which we have considered do not include the most abject wreckage of our civilization. To complete the roll we must include the teeming population of our workhouses: we must recall the permanent paupers—numbering one million, two hundred thousand persons—on whom we yearly spend thirty million pounds.

I have quoted Sir Henry Campbell-Bannerman; let me now quote Mr. Barnes, the Labour member for one of the divisions of Glasgow. Speaking a few nights ago in the debate upon the Address, he made the following alliterative observation—

> "Sir, there is an army of workless workers all over this country; there is a sea of suffering surging round our very doors."

We may therefore claim that Tariff Reformers, Liberals and Labour members are in substantial agreement as to the extent of the evils which we suffer to-day. I invite you now to analyse this sum total of poverty so as to determine its cause, remembering always that diagnosis is the first task of the capable physician. Here again, gentlemen, I can speak to you with the confidence which is proper to the voice of authority. Mr. Rowntree analysed in York 1,465 cases of great poverty, and he arrived at the result that 729 cases, or 57·10 per cent., were due to unemployment, irregular employment, and ill-paid employment. In the winter of 1905 the Charity Organisation Society examined two thousand cases of distress in West Ham, and found that 55·4 per cent. were in distress owing to "slackness of trade." If time allowed, I could state many similar conclusions by persons whose authority no one would question.

Now I take another illustration of the mischiefs which affect our working-class population. Before Free Trade there was comparatively little emigration from Great

Britain. Since its adoption twelve million persons have left this country. In 1900, the net emigration from Great Britain was seventy-one thousand; in 1907 it was two hundred and thirty-seven thousand, two hundred and four. In Germany, on the other hand, the number of immigrants exceeds the number of emigrants, although the German population increases by more than nine hundred thousand a year, while ours increases only by four hundred thousand a year. In 1906 alone, six hundred thousand foreign workers emigrated into Germany.

Consider these figures carefully; they merit your most earnest study. Tremendous is the upheaval, profoundly seated the motive, when rude and unlettered men endure the bitter parting from kinsmen and friends and journey to an alien home, with the melancholy message upon their lips that England—

> "This happy breed of men, this little world,
> This precious stone set in the silver sea"—

is no longer able to afford the means of a decent subsistence to her working-class population.

I take another illustration—the case of agriculture. Free Traders have almost ceased to deny that they have ruined agriculture. The facts are familiar, but perhaps you will bear with me if I remind you of them. Since 1875, the average area under corn crops in this country has declined by, roughly, three million acres, or by twenty-seven per cent., and the land which has passed out of wheat cultivation is considerably greater than the present wheat area of the United Kingdom. Fifty years ago, two million people were employed in agriculture in England and Wales; to-day, with a greatly increased population, less than one million are so employed. Instead of keeping a vigorous peasantry upon the soil to maintain the standard of English manhood, we have sent them to the town, to degenerate, amid strange surroundings, under the stress of competition and failure.

Nor must we forget that the wastage is not confined to humanity. A very competent judge—Mr. Palgrave—estimated in 1905 the loss of agricultural capital which this country had suffered in sixty years at no less a figure than one thousand and seven hundred million pounds.

Now, gentlemen, I have put before you certain facts. I have shown you the extent of our poverty, our actual pauperism, and of our emigration. I have shown you that our cities are full of able-bodied men who want work and cannot find it; while at the same time we have seen agriculture less and less able to support a rural population upon the soil.

Is there any honest man who will pretend that any great country in the world can show so melancholy a picture to-day? I will believe it when I see the industrious and efficient artisans of Protectionist countries flock to these shores. Fortunately, we are not left to vague and conjectural comparisons. Here again we can appeal to the evidence of our opponents. But a preliminary caution is necessary before we contrast comparative figures of unemployment. The data available are in no two cases identical, so that it is extremely difficult to compare like with like. No honest politician will found dogmatic conclusions upon a comparison between the unemployed statistics of Germany, the United States, and Great Britain. All we can safely do is to compare the views—and the grounds upon which the views are based—of observers who enjoy special opportunities of forming judgment.

Not long ago Mr. Asquith claimed that Free Trade countries showed greater elasticity of resource in dealing with bad times than their Protectionist rivals. Has the recent trade depression justified this boast? Mr. Winston Churchill is President of the Board of Trade. He believes as strongly in Free Trade as he does in anything. Yet he has recently admitted in the House of Commons that there is more unemployment in England

than in Germany. And we have already observed that Germany in the same year has absorbed into the body politic—as tax-paying citizens—no fewer than six hundred thousand artisans of other countries. So it is conceded that Germany, with her high tariff, and with the economic drain upon her manhood which is made by conscription, has passed through the recent crisis with less dislocation of the labour market than the greatest free-importing market in the world.

Nor do the Labour party dissent from these conclusions. Mr. Barnes, from whom I have already quoted, said, recently, in the House of Commons: "There are less unemployed men in Germany." And Mr. Sexton stated at the Trade Union Congress, 1908, that—

> "Whenever there is a dispute on the Continent, England is made a recruiting ground of blacklegs on behalf of the employers. Thousands of Englishmen have been sent to Germany and Sweden in this disgraceful business. Many of them are strong and capable workmen, driven to accept anything in the way of a job by the pangs of hunger."

It is specially difficult to compare American with English unemployment, because our figures are confined to trade unionists, whereas theirs deal with all labour. Moreover, the conditions and natural resources of the two communities are profoundly dissimilar. But we may dispose of the ludicrous exaggerations which still pass muster upon Free Trade platforms, by the reminder that in 1908 one million workers passed into the United States under conditions of immigration which provided ample security that they belonged to the desirable alien class. Many of these sailed from free-importing England. How many have come back?

So much for the relative merits of the two systems in bad times. But you will ask me for a comparison based upon a consideration of the effect of good times, and I will take the culmination of the trade boom in 1906. Even at that time the dimensions of unemploy-

ment in England were engaging the anxious attention of our Government. The processions of the unemployed had begun, and complaints were loud on the lips of Labour members in Parliament.

At the Colonial Conference, Mr. Lloyd George admitted that "at the present moment we have a percentage of unemployment which is rather unpleasant to contemplate." You may usefully observe that the force of this admission is increased by what immediately preceded. "At the present moment our unemployment has been gradually reduced to a minimum because trade is good." But what was the condition of the labour market in Germany while unemployment here, though "at a minimum," was "unpleasant" for Mr. Lloyd George to contemplate? He supplies the answer in the next sentence—

"Employment in Germany now is undoubtedly very good. There is as much work to do as they can find people to do it."

The comparison with the United States shows similar results at the same period. Mr. Seymour Bell, British Commercial Agent in the United States, made a report on the trade of the United States for 1905 and 1906. It contained the following passages—

All branches of trade and industry of the country were more busily engaged [in 1905] than in any previous period in the history of the United States. Notwithstanding the fact that considerably more than one million immigrants came into the country there was in certain industries a serious scarcity of labour. . . . The demand for labour in 1906 was so great that railways and manufacturers were actually handicapped in their business, and this in spite of the fact that one million, two hundred and twenty-five thousand immigrants were admitted to the country during the year.

Here again we must never forget that this stupendous prosperity coincided both with the chronic poverty of our "thirteen millions," and with that special increase

in unemployment which Mr. Lloyd George found so "unpleasant."

I must not weary your patience. [Cheers: "Go on."] I could multiply illustrations, but I claim to have established the first of my propositions, that there is more unemployment and consequent misery among our working-class population to-day than in any Protectionist country of the first class in the world. I think I have done more, for I have given you reasons for concluding that this statement is true both of good times and bad.

I approach now the second branch of my argument that our present fiscal system is largely responsible for the lack of stable employment among our working classes.

Now if I begin this part of my subject with commonplaces, it is no fault of mine; it is because our opponents, in the straits to which they are driven, are in the habit of challenging positions which many of us have been accustomed to look upon as axiomatic. The problem which lies before our statesmen is to secure the largest possible markets for the subject-matter of our staple manufactures. The market may be foreign, colonial, or domestic; it ought to be the object of a wisely conceived fiscal policy to secure the maximum, in the aggregate, of these three markets, refusing unduly to subordinate one to another, but, in so far as subordination may ever become necessary, giving the preference to that which, actually or potentially, is likely to provide the greatest degree of remunerative employment to our working-class population.

I postpone the subject of colonial markets, and ask, in the first place, What is the present position in relation to the great Protectionist markets? The broad fact is well known that, putting raw materials upon one side, we are largely excluded from entry into such markets by impassable tariff walls. Some Free Traders have had the effrontery to deny that our industries are injured by

such tariffs, but we need not waste time with them, for Mr. Asquith has admitted the truth—

"English trade in these days carries on its operations under great, formidable, and increasing difficulties; the wall of tariffs which excludes us from foreign markets is every day becoming higher and higher."

Here, then, is one explanation of the lack of employment. If tariff walls make English trade difficult, it is incontestable that the "difficulty" must react injuriously upon the position of English artisans who are engaged in such trades. Perhaps, as we are always accused of economic heresy, I may appeal at this point to one of the fathers of English political economy. John Stuart Mill, in his essay upon International Commerce, dealt, by anticipation, with the position which has actually arisen in this country—

A country cannot be expected to renounce the power of taxing foreigners unless the foreigners will in return practise towards itself the same forbearance. *The only mode in which a country can save itself from being a loser by the revenue duties imposed by other countries on its commodities is to impose corresponding revenue duties on theirs.*

Now, mark how our experience confirms Mill's prescience. Every one knows that to-day big and constant markets are the condition of commercial success. I am almost ashamed to point out so obvious a fact as that a country which enjoys (1) a protected home market, (2) free access to our market, (3) an equal opportunity with ourselves in the remaining markets of the world, tariff or non-tariff, will surpass us in the amount of employment which it provides for the working classes, simply because, the larger the market, the greater is the possible output upon a slender margin of profit. Even in bad times hands are less likely to be turned adrift.

Now what is the position to-day? We give to our rivals a free market of forty-three million persons in

the United Kingdom to add to their own free market. Thus the United States possess an open market of eighty-two million persons in the United States, plus an open market of forty-three million persons in Great Britain, making, altogether, one hundred and twenty-five millions. Similarly, Germany possesses an open market of sixty million persons in Germany, plus an open market of forty-three million persons in Great Britain. As against this, we possess only such residue of our open market of forty-three million persons, as the unrestricted competition of foreign nations leaves unimpaired.

Will any one pretend that this circumstance is unrelated to the acuteness of poverty and unemployment amongst our artisans? It comes to this. We call ourselves Free Traders, but we have never secured Free Trade for ourselves; we have merely succeeded in enlarging the area within which our Protectionist competitors enjoy Free Trade.

I do not labour this argument, because to-day it is no longer seriously disputed. Let me again quote our opponents. Lord Brassey says in his book, "Work and Wages"—

> The rate of wages in England is limited by the necessity of competition with foreign manufacturers. Employers in England, as elsewhere, only employ labour on the assumption that they can realize a profit by their business.

But we are indebted to Mr. Russell Rea, M.P., the Free Trade member of Parliament for Gloucester, for an admirably clear statement of our point of view. This gentleman read a paper last summer at a congress meeting in London of amiable foreigners, who having failed (if they ever tried) to abolish Protection in their own countries, were obliging enough to come to London and wish us God-speed in our Free Trade. We may pause to admire their cosmopolitan generosity. Believing as they do that Free Trade means prosperity to the country which adopts it, and knowing as they do that their own

countries are wedded to Protection, with all its consequential disasters, they have still come to urge us on to greater commercial triumphs by a sustained adherence to the doctrines of Free Trade. Such unselfishness calls for more than a passing tribute; but I must not allow my sensibilities to make me forget Mr. Russell Rea. He said—

"The nationalistic Protectionist politician decrees that a portion of the capital and labour of his country shall be diverted to particular industries. These industries come into existence. The articles invariably selected for a protective taxation are the particular articles which we English are supplying in the greatest quantities, and apparently with the greatest profit to ourselves. Thus one British manufacturer after another has seen many of his markets restricted, and some entirely lost. He has seen that foreign Protectionist Governments, by the imposition of Protectionist tariffs, not only determine the distribution of capital and the employment of labour in their own country, but in our country too. In their own country they do this in a manner which their fellow-countrymen approve as apparently to their advantage; but, as regards our country, they do it in a manner which is certainly an immediate, and sometimes a permanent, injury to individuals and individual trades, and their express and avowed object is to injure. The direction of our activities has, therefore, been in considerable part determined by the action of others, and that the deliberately hostile action of Protectionist States."

I ask any candid observer whether there could be found a more convincing admission of the need for Tariff Reform than is contained in this Free Trade speech. Mr. Rea admits that the existence of a tariff enables our chief Protectionist rivals to "determine the employment of labour" not only in their country but in ours. Is it suggested that they have used the sinister power so given them by a tariff in the interests of our working classes? Is it contended that they consider the needs of our artisans or those of their own when they "determine the employment of labour"? They use their tariff, as everyone knows, to produce the maximum of employment

for their own working classes, and we, having no tariff, are powerless to " determine the employment of labour " in other countries, or indeed to secure it in our own, with the result that the workhouses and gutters are full of English artisans who cannot find employment. " I have seen," says Mr. O'Grady, the Labour member, " a man of my own class walking along the pavements of London and suddenly dive down into the gutter for a crust that a dog would refuse to eat." Have such incidents as these no relation to the " permanent injury to individual trades " in this country of which Mr. Russell Rea speaks ? If an " individual trade " is permanently injured in this way by foreign tariffs, is it not certain that the artisans heretofore employed in such trades will be driven to these horrible necessities ?

I must conclude this part of my argument with two further illustrations. Each year more and more English capital is invested abroad. Investments abroad mean, in general, employment abroad. They may no doubt mean that our prosperity at home is so great that, of our superabundance, we can afford to invest abroad. To some extent this has in the past been true, but I greatly doubt its truth as a generalization to-day. Mr. Lloyd George has admitted, what, indeed, is clear, that such investments abroad are made because a higher return for money invested is obtainable abroad.

Why is it that protectionist countries can offer higher interest to investors ? I reply without hesitation, because in these countries capital may rely upon constant markets and fostered industries. Are there no openings for capital in England ? Would not the further investment of capital in England produce employment here ? If you think so, as I gather you do, arm yourselves with a tariff. Refuse any longer to fight with one arm bound and useless.

The second illustration shows the effect upon our foreign trade of the conditions so clearly explained by Mr. Russell Rea. In recent years we have had good

years and bad. In the good years our exports of foreign manufactured goods to neutral and foreign markets increased, but not so rapidly as those of Germany and the United States. But what of the bad years? During those bad years Germany, by her tariffs, has kept hold of the home market; but has she forfeited, by Protection, her efficiency in competition with us for foreign markets? How do free imports stand the comparison? The answer is short, simple, and conclusive. In 1908, our exports of manufactured goods fell off to the amount of forty million pounds, while the corresponding German decline is four million pounds. Is this disparity unconnected with Mr. Churchill's admission that there is more unemployment in England to-day than in Germany? Is it not, on the other hand, clear that, under our fiscal system, employment has diminished to the extent of the wages paid for the manufacture of some forty million pounds' worth of manufactured goods, whereas in Germany, under protection, employment, in the same period, has only diminished to the extent of the wages paid for the manufacture of four million pounds' worth of such goods?

The first two months of the present year tell the same tale. During that period our sales of manufactured goods to foreign nations have fallen off by 19 per cent., whereas their sales of manufactured goods to us have only decreased by a little more than 3 per cent. All the 1908 figures are instructive. In Germany, the decline in exports, we have seen, was 4·8 millions sterling, or 1·2 per cent.; in Belgium, it was 4·8 millions, or 4·4 per cent.; in France, 12·9 millions, or 5·8 per cent.; in the United States—suffering from a special financial crisis, and from the uncertainty of the presidential election—34·7 millions, or 8·8 per cent.; in the United Kingdom, 48·8 millions, or 11·5 per cent.

What is the explanation of these figures? If tariffs are impossible without taxation of raw materials, how is it that our rivals gain ground upon us in their articles of

export which are dependent for their manufacture upon untaxed raw materials ?

Now I approach—and you will be glad to hear it—the last of the three propositions with which I am to-night concerned : that it is still in our power, by a wise and moderate measure of tariff reform, to alleviate many of the evils by which we are at present afflicted.

We have already seen that the available markets upon which employment depends are : (1) the home market, (2) the foreign market, (3) the colonial market. If Tariff Reform can improve our interest in these markets it will admittedly alleviate unemployment in this country. I myself entertain no doubt that Tariff Reform will help our manufacturing population in all three cases.

As far as the home market is concerned reformers are agreed in advocating an average 10 per cent. duty upon foreign manufactured goods. This proposal has been made the subject of a particularly stupid dilemma. We are told that either such a tax will exclude foreign goods, or it will not. If it does, " where," we are asked, " is the revenue ? " If it does not, " where," we are asked, " is the gain to English labour ? " The answer, of course, is that the extent to which the exclusion operates will vary in the case of almost every taxable commodity. Very few such commodities will be altogether excluded ; very few will be altogether unaffected. In so far as they are excluded the English labour market will gain ; in so far as they are taxed the revenue will gain.

Take, for instance, the case of motor cars. Roughly, we import each year five million pounds' worth of motor cars and their accessories. Suppose, for the sake of argument, that the duty excludes half : the revenue would benefit to the extent of two hundred and fifty thousand pounds, and upon a moderate estimate one million pounds a year would be distributed in wages among English workmen—a sum large enough to pay one

pound a week to twenty thousand men. Would not such a change diminish the unemployed returns among our skilled trade unionists ? If this process were applied through the whole range of our imports of manufactured goods, would it not produce an immense effect upon the English labour market as a whole ? I look forward to taking the decision of our industrial population upon this clear and simple issue.

Nor is the position less clear in relation to foreign markets. Every one admits that foreign tariffs injure our industries. The controversy is upon the available remedy. The Free Trade position is clear and simple. "We can fight," they say, "foreign tariffs by free imports." And we may usefully note that if the rock-principle upon which free imports depend is sound, they must win every time. Retaliation is and must be futile and injurious. As Mr. Asquith put it—

"If we oppose retaliation as a policy, it is because we believe that in practice it is futile as a weapon of offence, and, in the vast majority of cases, it is infinitely more mischievous to those who use it than to those against whom it is directed."

If these views are well founded we may perhaps ask, Why is the proposed French tariff causing so much disquiet among the traders affected ? What does it matter to us ? Why not fight it with free imports ? If the consumer pays the tax, why not go on exporting and leave the French consumer to pay ? Why not "take care of the imports, and let the exports take care of themselves" ? The folly and falsity of these pretences was well shown in an admission recently made by Mr. Churchill—

"I see no reason to assume that a Free Trade Government is obliged to sit still with folded hands. I have always been careful to say that Retaliation as an occasional weapon may be used."

Gentlemen, our thunder is being filched away before our eyes. Nothing distinguishes the new French tariff

from existing tariffs. If it is higher in some respects, it is lower in others. If we need not "sit still" in face of the proposed French tariff, why, in Mr. Chamberlain's better phrase, are we to take the German tariff "lying down"? The whole case for Retaliation is admitted. Further, how will Mr. Churchill retaliate without a general tariff? Does he think that he can put a tariff on a particular product of French manufacture, thereby benefiting British manufacture, and then suddenly take it off when the object is accomplished?

A duty can only be conveniently raised and lowered in this way if we possess a permanent general tariff. This Mr. Churchill, to complete his inconsistency, admitted at Dundee—

> "It is, in my opinion, quite impossible to apply a system of retaliation and negotiation unless you begin on the basis of a large general tariff."

For my part, I have never said or believed that retaliation would procure us a large general entry into protected markets. But it would do something in these markets. The best customer of Germany, the United States, and France can find arguments which the politicians of those countries are perfectly capable of understanding. We should at least make our own tariff arrangements instead of leaving them—under the most favoured nation system—to the benevolence of our competitors. If retaliation were largely successful, we should widen the channels of our foreign trade; if it failed, we should help our own working population, and perhaps render unnecessary an annual dole of half a million to the unemployed. But supposing that, for the sake of argument, our opponents are right in their view that no measures in our power to take can abate the tariff walls of our great Protectionist rivals, does not this conclusion make it more than ever necessary to secure those markets in which we still find goodwill and encouragement?

This question brings me to the last subject with which I shall trouble you to-night, the value—actual and potential—of our colonial markets. It is necessary to approach this subject with a caution. Our colonies are Protectionist in their views. I think they are well advised, in their peculiar circumstances, to be Protectionists. They have pondered over the counsel of John Stuart Mill—

> The only case in which, on mere principles of political economy, protecting duties can be defensible is when they are imposed temporarily (especially in a young and rising nation) in hopes of naturalizing a foreign industry, in itself perfectly suitable to the circumstances of the country. . . . It cannot be expected that individuals should, at their own risk, or rather to their certain loss, introduce a new manufacture until the producers have been educated up to the level of those with whom the processes are traditional.

We must, therefore, not expect that the colonists will surrender (why should they?) their manufacturing prospects. We must decide upon the value of preference to us by reference to the extent and value of the margin of such goods which for many generations they will be unable to manufacture for themselves. The question, in other words, is: How much is an effective preference worth to us in respect of such manufactured articles as they must for some considerable time import? At the General Election, many Free Traders were stupid or dishonest enough to deny the value of the preference which we already enjoy. That particular representation has now perished. Mr. Lloyd George said at the Colonial Conference—

> "Let me here express for the Board of Trade, whose duty it is to watch carefully all that affects our trade in all parts of the world, our appreciation of the enormous advantage conferred upon the British manufacturer by the preference given to him in the colonial markets by recent tariff adjustments."

No other conclusion was possible upon the facts, as I shall show almost in a sentence. The Canadian preference converted a ten years' fall of British trade of from seven million pounds to five million pounds into a ten years' rise of from five million pounds to thirteen million pounds. The New Zealand preference in four years increased our imports into New Zealand by three million pounds, or forty per cent. of the whole, while, at the same time, the corresponding imports from foreign countries have hardly increased at all. It is instructive to compare the case of Australia, which gave us no preference until 1907. In the last eighteen years the proportion of imports into Australia from Great Britain declined by thirteen per cent., whereas the proportion from foreign countries increased by thirteen per cent. Consider, in the light of these facts, Mr. Deakin's prediction at the Conference—

"A substantial preference to the goods of Great Britain in our markets would result in an increase of British trade with Australia to the extent of perhaps 50 per cent."

We have gained an "enormous advantage" already as the result of preference; and we can greatly increase this advantage, if we are willing. "We offer you preference for preference" was the unanimous message of the colonial premiers; so that the practical question to answer is this: Do the advantages of an enlarged preference outweigh any objections which there may be to the necessary concessions upon our part? Let us shortly consider the advantages, and then weigh the objections in the balance.

It is well, first, to consider the present value to us of our colonial customers, and then discuss whether our position can be still further strengthened. At present, New Zealand takes £7 5s. 0d. per head of British produce and manufactures, Australia £4 4s. 0d., and Canada £2 2s. 0d. per head. Germany takes 13s. 3d.

per head, France 8s. 3d., and the United States 5s. 9d. per head. Not only is this true, but our exports to the colonies consist almost entirely of fully finished manufactured goods, providing the maximum of employment to the working classes.

Nor must we think only of the present—we must throw our eyes far into the future. Our policy must be framed with due regard to the immense possibilities which lie in front of those who offer a further trade preference in their markets. We may recall the eloquent words of Búrke when an earlier empire was at the hazard—

> "Whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing 2,000,000, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations."

Gentlemen, in one hundred and thirty years the population of the United States has grown from two million to eighty-two million. Who will dare assign limits to the growth in an equal period of Canada and Australia ? Who will dare deny the value to a manufacturing community, where employment languishes, of a preference in respect of all those manufactured articles, which these teeming populations will still find it necessary to import ?

Not only does our present policy prevent an actual expansion in the volume of our colonial trade ; it involves, unless corrected, the gradual but certain loss of the advantages which we at present enjoy. To the colonies treaties of trade are essential. They are resolved, in the interests of their export trade, to form them. They have offered to make them with us in the

first instance; but if we refuse they will make them with other countries. Canada has already been compelled, by our refusal, to make such a treaty with France, and the result, as I will show you, has been greatly to reduce the value of the Canadian preference to England. The Minister for Customs in Canada, speaking in the Canadian House of Commons, said—

"My own judgment is that, taken in the gross, the effect of the French treaty will be to reduce the British preference from thirty-three and one third per cent. to twenty-three and one third per cent."

But, upon many manufactures, the difference between the two tariffs is, since the Convention, only two and a half per cent. in favour of Great Britain. The tariff on embroidery and lace, under our preferential tariff, is twenty-five per cent.; under the French treaty tariff, it is twenty-seven per cent. The tariff upon ribbons, under our preferential tariff, is twenty-two and a half per cent.; under the French treaty tariff, it is twenty-five per cent. On silk manufactures it is thirty per cent. under the preferential tariff as against thirty-three per cent. under the French treaty tariff. These facts are not in controversy. The only observation upon them which the Colonial Secretary, Lord Crewe, felt able to make in the House of Lords was the following—

"There are a few cases, particularly those of lace, and to a certain extent also, of silk ribbons, in which the value of the preference is lost to British goods."

This, gentlemen, is the way in which the present Government has frittered away these preferences of which Lord Crewe said in the same debate: "We admit the value which they have been to British trade." They destroy the value of the preference in lace and ribbons, and then, I suppose, make grants to the unemployed of Nottingham.

Nor is the mischief limited to France. Under Article XI of the Convention—the article dealing with favoured-nation treatment—the advantages of the intermediate tariff and the additional advantages set forth in Schedule C are extended to all countries entitled to favoured-nation treatment at the hands of the United Kingdom under treaties to which Canada is a party. Take, for instance, the silk trade, in which Japan and Switzerland are formidable rivals of this country. In 1906, Japan and Switzerland each sent over half a million dollars' worth of silk to Canada. Great Britain sent one and a half million dollars' worth. Under Article XI of the Convention, Japan and Switzerland enjoy, *vis-à-vis* with Canada, the same advantages as France, so that the English preference, in competition with them, too, has dwindled to nothing.

It is not surprising, under these circumstances, that the Germans are anxious to gain the advantages which we neglect. Dr. Stresemann recently made a speech in the German Reichstag, urging that in the future economic development of Canada Germany should take a part "correspondent with her industrial capability." The German Home Secretary, Dr. Von Bethmann Hollweg, made an instructive reply—

> "Our relations with Canada have formed for some time past the object of our most earnest attention. On the part of Germany there is no hindrance to the bringing about of an understanding which will permit the entry of the products of each land into the other under favourable conditions. So far the steps taken for this purpose have led to no result. I cherish, however, the hope that, once again, the Canadian market will be made accessible to Germany and the German to Canada."

It would therefore appear as if every country in the world except Great Britain was prepared to enter into commercial relations with Canada upon terms of reciprocal concession.

You will ask me: Why, under these circumstances,

have the Government done anything so mad and wicked as to reject the colonial offer of a further preference, and to permit the existing one to be partially destroyed ? Why will they not allow the colonies to increase the " enormous benefit " of which Mr. Lloyd George spoke ? Why do they prevent them increasing still further the employment open to our starving artisans ? The answer is a monument of inconsistent hypocrisy. " It is," says Mr. Lloyd George, " because we will not tax the food of the poor ; that is why we are hesitating."

Gentlemen, you and I know that this Government has already, since they came into power, " taxed the food of the poor " to the extent of sixty million pounds, and it is hard to listen to such an evasion without anger. Why is it impossible to exchange one of these taxes on food, which cannot benefit the colonies, for a two shilling duty upon foreign corn which would benefit them ? I need not remind you that Mr. Chamberlain only proposed to tax foreign corn. Food supplies grown within the empire will come in free, or, on another suggestion, at half the foreign rate, and the proportion of empire-grown food supplies is constantly growing.

In 1892 the empire produced only about twelve per cent. of our total wheat consumption ; to-day it produces about thirty-three per cent. In ten years more it may well produce seventy-five per cent. of the whole. At present, about one hundred and fifty million bushels of wheat are foreign grown. At the Colonial Conference Sir W. Laurier said that Canada now produced one hundred million bushels, and expected to reach six hundred millions. The period of this full development is, of course, contingent ; but, as Mr. Deakin observed, there are also Australia and New Zealand.

Who, then, would pay the tax upon foreign-imported corn ? In answering that question we must remember that the incidence of a duty as between foreign exporter and home consumer depends economically upon this

amongst other questions: Whether, in respect of the particular commodity, there is more competition among those who wish to sell or among those who wish to buy. Here it is common ground that in normal years the foreign wheat producer must find his market, and that the world's supply is fully equal to the demand. Even Mr. Lloyd George admitted at the Conference that some portion of the duty would be paid by the foreigner—

"We cannot say that the duty will not be an element in the consideration of the price. Probably not to the same extent (i.e., two shillings), because the fact that you would give a preference to the colonies would, in my judgment, affect the price."

The position then, gentlemen, is this. In two or three years fifty per cent. of our wheat will come in free, or almost free, from the colonies. The foreign exporter of the other fifty per cent. must, as Mr. Lloyd George admits, pay some portion of the duty. But if (to take a view which even Mr. Lloyd George does not put forward) we paid it all, the fluctuation in the price of wheat would be one-fifth less than the ordinary fluctuation of the market between the years 1906 and 1907. The effect of a two shilling duty per quarter on corn would be, on this assumption, one-eighth of a penny on the four-pound loaf, inasmuch as a quarter of corn produces about one hundred and ninety-two four-pound loaves. And, on this extravagant supposition, the increase would be made up to the working classes by remissions in the existing taxes upon food.

Is it surprising that the "dear food" cry has now begun to recoil upon those who were not ashamed to deceive the poorest of their countrymen? Is it surprising that at the bye-elections this imposture is now treated with open contempt? The only other objection which is much insisted on is that which declares that an effective preference to the colonies is impossible unless we tax raw materials. The answer is again short

and simple. We have, repeatedly, told the colonies that we will not tax raw materials, and they still ask us for a duty upon commodities other than raw materials. Confronted with this answer, our pessimists retort: "It is impossible, amid the varying stages of manufacture, to say where raw material begins or ends." Perhaps it is sufficient to ask two questions in reply—

1. Is there a single scientific tariff in the world which purports to tax the raw materials of its staple manufactures?

2. Is there one such tariff which has failed in practice to draw a sufficient distinction between raw and finished materials?

Both these questions can best be answered officially. The following is a quotation from the Report on the Trade of the Consular district of Berlin for the year 1907. The passage deals with German trade to and from Great Britain and the British possessions—

"The relative excess of [German] exports over the imports is explained by the fact that Germany chiefly imports food stuffs, raw materials, and partly finished goods for industrial purposes from the United Kingdom and the British possessions, whilst to those countries she exports principally manufactures which are, comparatively, higher in price."

Will any one be found bold enough to argue in the face of this experience that tariff reform, or that the existence even of a high tariff, necessarily involves the taxation of raw material?

I have now come to the end of my task. I beg of you to think unceasingly of these problems. Discuss them with your fellow-workmen. Challenge argument and controversy with those who disagree, for truth can only gain by public disputation. But remember, above all, that the time presses for decision. It is vital that the next election should reanimate the old bonds, and create

fresh ones suitable to the ever-growing organism of the empire. So used, it will indeed "lead on" to fortune; this chance omitted,

> "All the voyage of our life
> Is bound in shallows and in miseries."

IV

VOTES FOR WOMEN

A speech made in the House of Commons on July 11, 1910, *during the debate on the second reading of the Parliamentary Franchise (Women) Bill. Lord Birkenhead, then Mr. F. E. Smith, led the opposition to the Bill and moved an amendment that it be read a second time upon this day three months.*

Mr. Speaker, Sir, I share the view stated by the mover of the Second Reading [Mr. Shackleton] that the Government have acted wisely in allowing two days to this discussion. I cannot help thinking that the supporters of the proposal have had some little grievance in past years in the circumstances under which our discussions upon this subject have taken place ; and the efforts which have been made both by the moderate supporters of the change, and, indeed, by its immoderate supporters, certainly appear to me to have entitled them at this stage of the controversy to a deliberate expression of the view of the House of Commons on the problem which they have put forward with so much persistency and determination.

It is also an advantage from another point of view that this matter should be clearly discussed in the House of Commons with a fuller sense of responsibility than has perhaps sometimes prevailed in previous discussions, because—if I may venture to say this to both sides—it may prevent the somewhat inconsiderate giving of pledges which are extremely inconvenient to deal with when the

circumstances are modified. The present discussion of this subject is in many ways unique. My experience of Parliamentary life has been a short one, but I cannot recall a previous occasion in which time has been given by the Government of the day for the purpose of a Debate in which every member on either side of the House enjoyed the refreshing opportunity of giving a vote free from all formal party pressure, and in conformity with his individual convictions. There is a qualification of that, however, supplied by the somewhat promiscuous giving of pledges to which I have made reference. One is struck in this matter by the variety of political opinion to be found among the sponsors of this Bill, whether one looks at the back of the measure, or at the party complexion of the two speakers who have brought it before the House, and this variety of party support is reflected in the whole House. The qualification in the Bill is the household or the £10 qualification.

Like the hon. member for Clitheroe [Mr. Shackleton], I do not pretend to express a clear opinion as to whether, from a party point of view, this Bill would benefit his party, or my party, or the Liberal party. Judging from the party Press, it appears to me that the Liberal supporters of the Bill are under the impression that they have deluded its Conservative supporters; the Conservative supporters are under the impression that they have a considerable advantage over the Liberal supporters; while the Labour party are convinced that they are getting an enormous advantage over both.

How this may be I do not know; although I confess that my own observation, now extending over a considerable period of years, with regard to the operation of the franchise, has led me very strongly to the conclusion that the limited proposals of the present Bill would materially assist for the time being the prospects of the party to which I belong, and I confess, having regard to the momentous issues which may easily be presented to the decision of the country at the next

election, I have been greatly tempted, holding the view I do as to the effect of this Bill, to make my opposition to it far less vocal than I have ultimately decided to do.

I do not quite know what may be the view of my hon. friend who seconded the Motion [Sir John Rolleston] as to the statement of the hon. member for Clitheroe, both on the First Reading and again to-day, in which he disclosed his real object. As far as I have discovered, there is no real identity of view between those two hon. members. The hon. member for Clitheroe has stated in the plainest possible manner that this Bill is accepted as a start and that it is in that sense, and only in that sense, that he asks the House to support it. When he is reminded, or when he reminds himself, of his statement that this is the thin end of the wedge, he meets that criticism by asking whether we who oppose it would have supported it if it had been the thick end of the wedge. I do not think that his question is a very relevant answer to the criticism upon his attitude.

He presents himself to the House as the champion of a Bill which he and others have called a Conciliation Bill. If this so-called conciliation means anything at all, it means that all parties who are supporting the cause of female suffrage have given up something in order that they may be able to recommend the House to adopt a less extreme proposal. It is perfectly clear that the hon. gentleman, the champion in this House of the Conciliation Committee, has given up absolutely nothing, and does not propose to give up anything.

He told us on the First Reading that he had generally found that inserting the thin edge of the wedge was the most successful way of achieving his object, while one of his colleagues, the member for Blackburn [Mr. Philip Snowden], has told us—

> "I recognize that for all practical purposes the granting of the vote to a few women means the enfranchisement of the whole sex."

I think this statement is clearly true, and that if the fundamental distinction of sex is once abandoned, the whole case of the opponents is gone for ever. That alone is why the promoters, many of whom profoundly dislike the provisions of this Bill, are concentrating their efforts to obtain its passage, because they know that once they get any Bill through, no matter what, their case is won, and won for all time.

I should like to ask my hon. friend [Sir J. Rolleston], with whom I have often acted in the past, and with whom I hope to act again in the future, whether on reflection it does not occur to him that he is being made something of a decoy duck in this matter? The member for Clitheroe explained with great explicitness what his object is. The hon. gentleman's object is adult suffrage. That adult suffrage, of course, includes the vote for all adult women. I do not gather whether or not my hon. friend is in favour of that. It would be very interesting indeed if he had told us. The hon. gentleman has reminded the House that the result of this adult suffrage, when it does come, will be a total electorate of twenty-three million instead of seven million. In that total electorate there will be a considerable majority of women, an important factor in the consideration of public questions.

In order that we may clearly understand whether the adult suffrage party in the House shares the views of the hon. member for Clitheroe, I might ask this: "Is there one influential supporter of the Bill now before the House —apart from those who sit on the benches on which I sit —who can sincerely say that he sees a settlement of this question in the Bill which is now engaging the attention of the House?" There is no one in the House, apart from some of my friends sitting here, who can say that. What is the position in which my hon. friend and others on this side will find themselves in the future? We shall find ourselves in this position. We shall have evacuated every defensible position, and we shall have to

approach future controversies bankrupt of any argument which is fixed upon principle; we shall be exposed, and not unjustly exposed to the taunt that we supported this measure so long as we believed we could derive party advantage from it, and that we only began to oppose it when we became apprehensive that we might sustain party loss.

The hon. gentleman [Mr. Shackleton], after the preface to his speech, will not complain if I examine, not what I may call recognisance in force by this Bill, but rather the real object which he quite readily explained was involved in this. I agree with what must have been the view of the Chancellor of the Exchequer[1] when he submitted a point of Order to you, Mr. Speaker, a moment or two ago. I believe that the Chancellor of the Exchequer is right in descrying, as I believe he did, a profoundly undemocratic quality in the provisions of this particular measure. If female suffrage is to come at all, I agree with what the right hon. gentleman said. I should agree, too, with what the late Sir Henry Campbell-Bannerman said in an earlier Debate in this House, and I dispose of this Bill by saying—

> "That it will enfranchise propertied ladies, but it will not touch the mass of working women, and particularly it will not touch the wives of working men."

I would remind hon. gentlemen of what was said only a year or two ago by the Prime Minister[2] himself. In answer to a deputation in May, 1908, the right hon. gentleman said—

> "It is a distinct condition . . . that the change proposed must be on democratic lines."

For the reasons I have given I do not think that this change is upon democratic lines. I conceive, in spite of

[1] Mr. D. Lloyd George.

[2] The late Lord Oxford, then Mr. H. H. Asquith.

what the hon. gentleman who recommended the proposal to the House said, that every Liberal who holds those views is justified in opposing this Bill at its present stage. I wish, with the indulgence of the House, to make a few observations upon the larger policy of which, after all, this is only admittedly an instalment.

The hon. gentleman the member for Clitheroe has spoken of these proposals as being a measure of justice. I find that in the charter which is put forward by the suffragist party that they invariably describe the claims they are putting forward in the formula: "The right of women to exercise the Parliamentary vote." It is stated that that is a claim founded upon justice. The other statement, very closely resembling it, "That women have a right to vote"—a question-begging phrase—is made the basis of a great part of the propaganda which is circulated in the country by way of leaflet by the suffragist party. It will perhaps be worth while to discuss for a moment or two what is the meaning of the saying that women have a right to the vote.

For generations it has been recognized that no man has an abstract right to a vote. The theory that there is such a thing in existence as a right to a vote is as dead as Rousseau. A vote is not a right. It never was a right. It is a capacity which is given on approved public ground to such sections of citizens as, in the opinion of the whole State, are likely to exercise that quality with benefit to the community taken as a whole. That is the reason why, when the suffrage was removed in the case of the Irish freeholders—and on many other occasions—that no compensation was given. That is the reason, and almost the only reason, why it is recognized that it is criminal to traffic in votes, for the probable sufferer in that trafficking is the State which has given the capacity to vote.

If women possess a natural right to vote, surely it must be clear that that right must become effective in every community in which the men vote. If it is a

natural right it admits of no exception of any kind. It must apply in priest-ridden Italy; in all countries in which men are entitled to vote; and if our Indian fellow-subjects are ever enfranchised it must apply to the unilluminated zenanas of the East.

May I point out from that that the statement of the hon. member for Clitheroe is based, as are those of very many who agree with him, upon the dogma that there should be "no taxation without representation." You can hardly examine the charter which is put forward by any one of the suffragist groups, or a speech made by the prominent advocate, without finding reliance placed upon that dogma: "No taxation without representation." Even so thoughtful an advocate of the cause as the hon. gentleman himself repeated that argument to-day in this House.

It really ought not to be too late in the day and in this stage of political thought to point out that the phrase, "No taxation without representation," is either universally true, or else it is a mere catchword. If it is not universally true the argument as a whole is destitute of force. It can be shown almost in a sentence that it is not universally true. Do our Indian fellow-subjects vote? Do they pay taxes? It is, of course, common knowledge that they pay taxes, but that they do not vote. No one would be bold enough to contend—whether they ought or ought not to have the vote is another matter—but no one would be bold enough to contend that the mere fact that they pay taxes is a reason that they should be given the vote.

Is it to be contended that every man who buys an ounce of tobacco or a quart of ale, and thereby contributes indirectly to taxation, is to be entitled to a vote? If the phrase, "No taxation without representation," is not universally true, it is a catchword, and has no force at all.

The real truth is that the payment of taxes is only one of several general presumptions in favour of conceding

the suffrage. The consideration of the criterion is entitled to very great respect, but no one would be so foolish as to treat it as a decisive criterion.

If, then, I am right in saying there is no natural right, and that the payment of taxes does not in itself confer any right to vote, then one may perhaps make this further observation, that it surely argues an amazing degree of assurance to advocate the measure by the use of the argument, " No taxation without representation," in a Bill which deliberately excludes from the franchise the very class of owners who are the principal sufferers by the fact that they are taxed without having representation.

If it be clear that there is no inherent right to vote, let me examine the argument by which the hon. gentleman has attempted to show the House that they ought to be given the vote. He has used the argument, though he did not lay such stress upon it to-day as he and others have laid upon it before, that women, after a painful struggle for years, have now arrived at the desire for the suffrage in numbers which are increasingly large and, at least, very considerable. May I on that point say that, in the first place, I am entirely unsatisfied by any evidence —I have attempted, even in a sympathetic spirit, to go into the matter—entirely unsatisfied by any evidence which, in the face of the most explicit challenge has ever been produced by friends of the suffrage movement, that there is any strong or considerable volume of opinion in its favour amongst the women of this country ?

Let no one think I desire to open a somewhat sterile controversy as to the number of signatories to Petitions presented to this House for and against female suffrage, for I think it is a most fallacious method of determining public sentiment. Still, for what it is worth, one finds that from 1890–1906 only one hundred and ninety-three thousand women signed Petitions to this House in favour of female suffrage, and that during the last eighteen months, a period in which a strong anti-suffrage association has been in existence, three hundred thousand

women, some of them eminent women, have signed petitions against it, and to the effect that these proposals shall not be forced upon them.

A rather interesting illustration was furnished by an inquiry which was instituted by *The Sheffield Independent*, a newspaper which I think itself is sympathetic with these proposals. This inquiry was addressed to the women householders of Sheffield. Twenty-three thousand papers were sent out, and of the replies nine thousand were in favour of women suffrage and fourteen thousand were against it. The representatives of this paper reported that in many cases their emissaries were chased with violence from the houses, the female inhabitants being under the impression that they were collecting statistical matter as the emissaries of the suffragist party.

I would carry it even further. I would not ask this House in this matter to decide upon the evidence of signatories to Petitions, or upon the evidence of a provincial newspaper, but I would invite every member of the House of Commons to use his own judgment of two criteria upon this point. The first is that of the women in his own constituency, and the second is that of the women of his own acquaintance.

Let me speak for myself. I can only say, representing as I do in this House a very large working-class constituency, and having in the clearest possible manner indicated my views on this subject at each election, and having made the kind of inquiry which every member of this House is in a position to make among the women of his acquaintance, I am satisfied that the claim which is put forward that the great majority of women, or that any majority of women, desire a vote, is one that cannot be substantiated.

But, Sir, I confess that if I were satisfied that every woman in the world wanted the vote it would not influence me one bit. When we point out how many women there are who are opposed to female suffrage we are told that those who do not want to vote need not

vote. We are told that it is not to be compulsory, and the woman to whom the opportunity to vote is given and who has not the desire to vote has no grievance if this ability is given to those who are anxious to use it.

Such an unconvincing argument has never been brought forward. What would it have been to an intelligent negro of the Southern States who had believed, after careful reflection, that the possession of the suffrage would not be in the best interests of his fellow-countrymen as a whole? What answer would it have been to such a man to have said: "You are not bound to vote if you do not wish to vote. Your countrymen may vote, but you are not compelled to vote"? The whole objection of such a man would be as the whole objection of these women who do not want a vote—that they do not wish to be governed by other women. The real answer to the claim that is put forward that women want the vote, even if that claim could be abundantly substantiated, is that the mere fact of even a widespread desire on the part of women should not be decisive on the question.

I agree that the circumstance will be one of which wise statesmanship will take careful notice, but which it will never treat as decisive of this controversy, always recognizing that from whatever type of Bill one approaches the question one is brought back to this, that the whole issue is whether or not the larger policy is in the interests of the State as a whole; that is, of the whole body of male citizens and female citizens. When the position is presented in this way, the hon. gentleman opposite falls back upon another line of argument, and let me say quite frankly, upon a very powerful argument, and one of which I recognize the force. It would answer no useful purpose for me or any other opponent of female suffrage to contest that the case has been supported, and can be supported, by powerful arguments; if it could not it could hardly have become a matter of high controversy. The whole issue, of course, in the computation

of a political argument is on which side does the balance of national advantage fall.

I always have been struck in this controversy—and I was particularly struck when I heard the forcible presentment given to it by the hon. gentleman—by the argument that it might ameliorate the conditions under which many working women live their lives. I feel there is great cogency in his arguments. But before I address myself to the point may I remind the hon. gentleman of what I think he has overlooked, namely, of what, after centuries of man-made law, is the position of women ?

Considering the matter for a moment as the suffragists claim, I boldly affirm, taking in the first place the position of married women, that after centuries of man-made law, woman to-day occupies a position so preferential that no parallel can be discovered in any civilized country of the world.

At the present moment every member of this House who is married is under the obligation to provide for his wife, and I am not complaining of that. No member of this House enjoys a right of compelling his wife to contribute to his support unless he becomes chargeable to the poor rates, however poor he may be and however rich she may be. In the second place, if I or any other member of the House neglects to provide his wife with decent means of subsistence—and, be it observed, even if by her conduct the day after the wedding she has made it absolutely impossible for the most patient man ever born to live with her—he is in no way relieved from his obligation to maintain her. If she—I am taking an unfortunate illustration—slander or assault a neighbour her husband is liable. If he slander or assault a neighbour, under no circumstances, whatever her means may be, is she liable.

She is protected, in consequence of some assumed fallibility of judgment, against any attempt on her part whilst she is married from anticipating her property and

is confined to the income; and, in the second place, she is under no personal liability in respect of contracts. To carry to a conclusion the somewhat unhappy menage which I have supposed for the purposes of my argument, should she ultimately bring divorce proceedings against the unhappy husband, then, however innocent and successful he may be, he will yet be called upon to pay both her costs and his own.

There is only one grievance that can be successfully alleged existing in the case of married women, and that is the difference between the grounds upon which divorce will be given in the case of the two sexes, and even that distinction does not exist in Scotland. Let me just make this observation on that. I have never been among those—and I have had some little experience of, and practice in, divorce courts—who have found themselves able to support this distinction, and, if women as a sex concentrated to assimilate the conditions under which divorce is given to the two sexes, I believe an overwhelming majority of the House of Commons would support them.

In summarizing this part of the case, may I ask whether anyone who has sat in this House of Commons for a long period knows of any one case when the advocate of a woman's grievance has come to the House of Commons, and has said, "I have established this grievance, and I ask the House of Commons for remedy," and has failed to meet with a sympathetic reply from all parts of the House? I would ask one further question in the same sense. Has there been one case within recent memory in the House of Commons where the issue of any question affecting women has shown the slightest partiality in favour of the male sex over the female sex? I do not believe that any speaker in this Debate can point to one illustration of such partiality within these twenty-five or thirty years.

Let me pass on to what is a far stronger point in the argument of the hon. gentleman. He said with great

force that unmarried women, and particularly working women, would benefit by, and ought to be given, the leverage of the vote. Let me not attempt to underrate, for the purpose of my argument, the troubles of those women who earn their livelihood. I think it is incomparably the greatest and the saddest tragedy of the whole of our industrial life. But the question to be asked is this. How far is the case exaggerated which says that the possession of a vote would be likely to remove the grievances under which they lie? The commonest argument of the militant suffragists, which you will hear on every platform which they address, is that if the factory girls of Lancashire, upon whose unanimity the hon. gentleman prides himself so much, will support the cause of female suffrage, they will obtain larger wages than they obtain to-day.

It is perfectly true that women obtain lower wages than men obtain. I am not sure—I speak under correction on this point—that any authorized leaders of male trade unions have ever been able to recommend to any large bodies of their supporters the proposition that all women workers should receive the same wages as men workers. I would add this further observation, that while it is true that women's wages are lower than men's wages, the reasons for that inferiority of wage are obviously, ultimately, physical and economic. I do not say that there may not be some balance left over when you have made those two allowances. But the hon. gentleman and his supporters never make either of these allowances, which are obviously of the utmost importance.

First of all, as everyone knows, women are physically weaker then men. This, of course, must be an enormous element in considering the wage they secure for exacting forms of toil. In the second place, men devote all their time, all their lives: women, in many cases, a part of their time and only for a period of their lives. And, in the third place, there is no such organization, with very

few exceptions in the north of England, in the case of female employment as exists in the case of men.

I may be told by some that, after all, it was votes that enabled the working men of England to form their trade unions, and that a similar power should be given to women, but the answer to that is obvious, that the votes which have secured trade unions for them have equally secured trade unions for women. Every step which has been gained is the result of both long and painful years of controversy in the interests of female combination. If that is true, it gives away a large part of the female suffrage argument. Is it not plain that the whole power of legislation in raising wages has been grossly exaggerated by those who lay stress on the subject in this connection ? Are votes to-day helping the operatives of Lancashire to maintain their wages ? Are they helping the casual labourers at the Liverpool docks ? Are they helping those of the unemployed who have votes ? Have they helped agricultural labourers in the years in which they possessed votes ?

Surely consideration of these and similar questions and circumstances in our industrial life shows how predominant have been purely economic causes in the fixing of rates of wages. Take the case of domestic servants—housemaids or others. Their wages have appreciated fifty per cent., like many of the classes with which I have been dealing, and they have appreciated, of course, from a cause which is a purely economic cause, and has nothing whatever to do with the question of the suffrage.

An argument which has been used by the hon. gentleman to-day is the argument supplied to us in the case of our own Colonies. I do not think anyone who is discussing this subject with any pretence of completeness would be right to leave it without calling the attention of the House to the broad fact that we are asked, first—we, this great country, with all the complex systems which are dependent upon us—we are asked to take a

step for which there is no example in any of the first-class countries of the world—— [Mr. WILLIAM REDMOND: "Is not Australia a first-class country?"]

If the hon. gentleman will be patient I am going to deal with the case of Australia. But may I first of all take the case of Norway, which, so far as I know, is the only sovereign country cited in these Debates?

We are asked to see in the circumstances of Norway some justification for the proposals recommended to us. The population of Norway is two million, three hundred and fifty-eight thousand, distributed over a territory of one hundred and twenty-four thousand square miles. Is there anybody who will say that such an illustration as that of Norway supplies us with the slightest useful guidance in the decision we are asked to make now?

Then we come to the case of Australia. When I spoke of first-class countries, of course I meant, and I think everyone understood perfectly well that I meant, countries discharging in their entirety sovereign functions. What is the instance of Australia upon which the hon. gentleman founded himself? The population of Australia is four million, two hundred thousand, distributed over three million square miles, which is about one and a quarter inhabitants to the square mile, and we are asked to see in the fact that a lady who formerly lived in Blackburn and is now in Australia, where there is a population of one and a quarter people to the square mile, and is in the enjoyment of this special franchise, an overwhelming argument as to why the Blackburn lady's sister should enjoy the same privileges in this country.

I am wholly unconvinced by that argument, and, further, let me point out that the Blackburn lady would not obtain the suffrage under this Bill. Take the case of New Zealand. In New Zealand the population is little over one million, and the area of the country is one hundred and four thousand square miles. How can

anyone suppose that these countries afford any arguments at all for this Bill ? I am at a loss to know why the hon. gentleman omitted the case of the Isle of Man. We might derive useful guidance of the same class from the circumstances of a small and enterprising place like the Isle of Man.

In the previous Debates a large part was played by giving illustrations from the United States. I do not suppose that there is anyone who has followed the recent history of this question who will dispute that the case of female suffrage has undergone a very plain decline in the United States in the last fifteen years. Great reliance is sometimes placed upon the states which are in the enjoyment of female suffrage. I am sanguine enough to conceive that the mere recital of their names will make it unnecessary to pursue the argument any further. They are Idaho, Wyoming, Colorado, and Utah.

I do not think anyone familiar with the government of Colorado will desire to lay great stress upon the guidance which this country will receive from the consideration of its circumstances, and I do not wish to deal at length with the case of Utah. There is an interesting circumstance not wholly unconnected with Parliamentary strategy in a new community that the same Bill which abolished polygamy contained a clause stipulating for female suffrage in Utah, and as a result of the first election Mr. Bingham Roberts, the uneasy possessor of three wives, was presented to a satisfied Legislature as one of the earliest members. It is to these communities that we are left for these petty illustrations.

There is only one other case ever cited so far as I know, and that is the case of Finland. I desire to lay some facts and figures with regard to Finland before the House, and I confess that I take these facts and figures from *Whitaker's Almanack*. Finland has three million population, distributed over one hundred and forty-four thousand

square miles, and its circumstances are thus described in sequent sentences in *Whitaker*—

> "There is universal suffrage for both sexes, women are likewise eligible for election to the Chamber; the Finnish troops only exist in name."

Upon these illustrious precedents we are asked to mould an Empire of four hundred and fifty million inhabitants with an Oriental population of three hundred million detesting government by women. With all the examples of the civilized world before us to guide us in this matter, we holding as we do the equipoise of Empire balanced on a democracy in the West and a bureaucracy in the East, we are asked to be the chief body upon whom this experiment is to be made on a large scale for the first time in the history of the world.

The hon. gentleman reinforces this modest claim by reminding us that women have served with advantage to the community upon town councils and boards of guardians. That is most fully conceded. Is not the fact that they do sit on these boards proof that there is no restriction in a sphere which opens up to women the whole question of housing, and of education, the care of the poor and the young, and of the mentally afflicted, and the social mischiefs on the sexual side, and which opens up to them the immense finances of the rates, with which they are far more intimate than with the question of Imperial taxation? Is not the fact that all these areas of activity are open to women to-day an answer to those who come here and say they are entitled to enter upon wholly different and vaster areas of work?

If I choose to take another point which is clear to my mind I might point out to the House that the degree of interest taken by women, whether as candidates or voters, in our local elections supplies a very strong argument as to the desire or otherwise of women for these votes. I confess I am astonished when in these Debates one reads the arguments presented by those in favour of this

case, and sees how they never make the slightest attempt to grapple with the arguments upon which we rightly rely.

Our arguments may be bad or good, but we always put forward the same arguments, and no attempt has ever been made to answer them. Let me remind the House of a commonplace in one contention which has been put forward in every Debate upon female suffrage, and which has never received an adequate answer. Why is it that the majority in this country or in any other are allowed to live peaceably ? Because in the last resort they can coerce the minority, and because it is known to the minority that in the last resort they can be coerced, and because it is more easy to vote than to fight. In other words, votes are to swords exactly what bank notes are to gold—the one is effective only because the other is believed to be behind it. It is the whole basis of the theory upon which political sovereignty rests. If the majority, in fact, cannot coerce because the tribunal of force is weaker the minority will only submit as long as the issues are unimportant or are minor issues.

Let me take another illustration which Professor Dicey has used. Let me take the case of the negro voters in the Southern States. In the Southern States you have free suffrage in which both the white man and the negro are entitled to participate. Supposing all the negroes voted on one side, or supposing they united with a set of white men, which might easily happen, you would then have on one side a majority of negroes and white men, and on the other side a minority of white men. What happens in the Southern States in such circumstances ? Not being prepared to revoke the form of the Constitution, which is impracticable in the circumstances, what is it that they do ? They apply the most simple remedies.

The stronger minority of white men say we do not propose to allow the majority to use their full legal power, and they institute an examination of knowledge of the Constitution and the questions addressed to the white men are not always identical with those addressed to the

black men. The questions addressed to the white men are, for example, such as this: "Who was the last President of the United States of America, or who won the last pugilistic encounter?" The question addressed to the negroes is: "Discuss analytically the difference between the Canadian and Swiss Federalism." And it is astonishing how much more successful the white voters are than the black.

I am not, of course, advancing the proposition that the women of this country will ever vote together, but you may easily have women with a minority of men attempting to impose their views upon the actual majority of men. Supposing this Bill passed—and I honestly believe it is a Conservative Bill in its policy—supposing it passed, and enabled me and my hon. friends who believe in national service, in the first year of the new Parliament which would be called into existence, to pass with the aid of the female vote against the majority of the male vote, and to carry through this House a proposal for compulsory national service. Would the Labour party be prepared to accept that from the majority of the women? I venture to doubt it.

Take another illustration. Supposing as the result of a sinister alliance between Mrs. Pankhurst and the right hon. gentleman the member for Spen Valley [Sir Thomas Whitaker], that every public-house in the country were directed to be closed, and supposing this was done in opposition to the majority of the male and by the female vote. Do you suppose the men would ever acquiesce in that, or that they would dream of doing so? The result would be that you would be brought to the very verge of anarchy, inasmuch as that numerically the majority were unable to give effect to their decision.

Let me give another illustration. Supposing the powerful eloquence of the late Mr. Gladstone against the Bulgarian and Armenian atrocities found in women voters a fruitful and emotional soil, the result might have

been that the women voters, or a majority of them, might have voted for war, and might have asked men, who might have been totally unaffected by Mr. Gladstone's eloquence, to fight in such a war. I am very little impressed by the statement which is made with so much sanguineness that women are against war and that the female vote would make for a pacific spirit. But even if that were true, it would be an additional reason that would disincline me to support this Bill, because as long as other countries are not taking a bias in the direction of peace, I have no desire that we should, of all countries, be prepared to take such a step. The spectacle of a peaceful policy in this country finding no reflection in the policy of any other country gives additional cogency to my argument.

It is undoubtedly one of the arguments most frequently used in this question that man, actually or potentially, is a fighting animal. You make exception in the case of weaklings and old men; and the other argument is that women are, actually or potentially, against fighting. The significance of this point of view for this country must always be prodigious; and let this be noticed, that the differentiation of the sexes grows more acute, and not less, with every day of civilization.

Consider an observation made by a very fascinating writer, Mr. H. G. Wells, who is a somewhat embarrassing ally of hon. gentlemen opposite on this point. He says—

"The trend of evolutionary forces through long centuries of human development has been on the whole towards differentiation. An adult white woman differs far more from a white man than a negress or pigmy woman from her equivalent male. The education, the mental disposition of a white or Asiatic woman reeks of sex; her modesty, her decorum, is not to ignore sex but to refine and put a point to it; her costume is clamorous with the distinctive elements of her form. The white woman in the materially prosperous nations is more of a sexual specialist than her sister of the poor and austere peoples, of the prosperous classes more so than the peasant woman."

This fundamental limitation is not confined to the Army; it extends equally to police, governors of gaols, coastguards, and to every person by whom the coercive power of the State is directly exercised. The most characteristic quality in the conception of law is its sanction, or the means by which it is made effective. In making it effective no woman can play the slightest part. That argument is one of the most decisive. It is an elemental disqualification, and one which is periodical in its source of weakness even before maternity, and during and after maternity it can generally be pronounced chronic.

May I ask whether there is any supporter of this Bill who agreed with the child-like sanguineness of my hon. friend when he said he did not believe for a single moment women would ever sit in the House of Commons? It was unthinkable. May I ask whether that is the view of those who in other parts of the House are convinced supporters of the principle of female suffrage?

It is, of course, a commonplace, and no one who has studied the suffragist literature is unaware that the ideal of those to whose energies the cause of women suffrage owes everything, and whom we have to thank for the Government even giving us this two days' Debate, is complete political equality between the sexes. I will ask my hon. friend who waves it away with what I believe a wholly unfounded spirit of optimism, if these proposals are brought forward, as assuredly they will be, with what arguments is he going to meet them?

If the fundamental disqualification of sex is once obliterated, how is either my hon. friend or myself to reply to the hon. member for Clitheroe [Mr. Shackleton] when he comes down to the House of Commons and asks the Government for two days, and when that Bill should go upstairs to a Committee in order to discuss the proposal as to whether women shall sit in the House of Commons? I can almost hear the speech which the hon. gentleman would deliver. He would say: "I

agree it does not go so far as I would like. I would like to see women in the Cabinet, but, after all, I have always believed in getting the thin end of the wedge in, and therefore I will be satisfied on this occasion if the House will allow women to sit in the House of Commons."

There is not one argument which can be used in favour of giving women the vote which cannot be used in favour of their being allowed to sit in Parliament. I commend this reflection to the House. How about those ladies to whose eloquent advocacy in many cases of the cause of female suffrage its conspicuous position in politics to-day is mainly due? With what argument will those who believe in female suffrage meet their claim: "We who in the country have supported the heat and burden of the day; we, whose fitness to elect members of Parliament you have recognized by your votes, claim the right to sit by you and discuss the laws which you have admitted we are entitled to vote upon in the country"? I know not by what argument that distinction will be maintained. They never deceived the clear and strenuous mind of Mr. Gladstone. He said—

"The woman's vote carries with it, whether by the same Bill or by a consequential Bill, the woman's seat in Parliament."

I agree with that view. Hon. gentlemen opposite in their hearts agree with it too, and I would venture most solemnly to urge my hon. friends who, some of them, are in favour of this Bill, not to give a vote for its second reading to-morrow night unless they are prepared to face this logical consequence. The matter may be carried to a point which will cause even more poignant anguish to my hon. friend below the gangway. Mr. Gladstone anticipated with prescience an even further development. He said—

"A capacity to sit in the House of Commons, logically and practically draws in its train capacity to fill every office in the State."

We are therefore face to face with this, that the vote to-morrow carries with it as a logical corollary not merely the presence of women in this House, but the right of women to occupy the great executive offices in the State. If that be recognized, and none vote for this Bill who are not prepared to face the consequences, then I have no apprehension as to the result of the Division. I do not believe a majority in this House are prepared to face the results.

The most appalling sign of all to those who believe this will be a prodigious misfortune is the levity with which the substance of everything womanhood enjoys to-day, and has enjoyed for centuries, is to be sacrificed to the shadow. I saw a short time ago a statement made by a leading advocate of the suffrage cause that all she ever got from the respect paid to her sex by the male sex was that a man who met her would raise his hat, and she did not attach very high political or monetary value to it. The same paper, four days later, contained the record of a shipwreck, in which, with the most admirable heroism and discipline, every man of the crew obeyed the order of the captain that women and children should go first to the boats. I am far from suggesting that respect would go; I do not believe it would go; but I do believe that all that has been regarded in the past as being most characteristic and of the greatest value to the country in true womanly character would be degraded, if not destroyed, by the proposals of this Bill.

We are the legatees of the most nicely adjusted political fabric which the world has ever known. We are asked to-day to make this final commitment without the slightest knowledge of how these votes will be given by women when enfranchized. We are told it is no answer to say women voters may be ignorant, for men voters are ignorant too. That is the most crude application of the doctrine of political homeopathy to which I have listened.

I do not assent to the gloomy view held of the capacity of male voters. During centuries in schools, in shops, the mill, the street, in clubs, in alehouses—in all those places men are continually rubbing shoulders with their fellows and discussing public affairs, acquiring that extraordinary adaptability to the exercise of the vote which has long been the pride of this country in its democratic institutions. No such opportunities are open to women. If those specific discussions in the Conference which are taking place to-day should unhappily prove unsuccessful, we are threatened with the risk of being governed not by a bi-cameral, but by a uni-cameral system, and this is the moment chosen when we are asked to add two million electors as to whose bearing and trend on the polls no living man can pronounce with the slightest confidence.

The hon. gentleman has spoken of many illustrious women writers and those of whom the whole sex, and, indeed, the whole community, irrespective of sex, are proud. I do not wish to decry the claim of women to intellectual distinction. I have never in the course of my observations here or elsewhere founded myself on some assumed intellectual inferiority of women. I do not believe it, but I venture to say that the sum total of human happiness, knowledge and achievement would have been almost unaffected if Sappho had never sung, if Joan of Arc had never fought, if Siddons had never played, and if George Eliot had never written. At the same time, without the true functions of womanhood faithfully discharged throughout the ages the very existence of the race and the tenderest and most sacred influences which animate mankind would have disappeared. Profoundly believing, as I do, that these influences are grievously menaced by the intrusion of women into the field of politics, I move the Amendment which I have on the paper.

V

SIR ROGER CASEMENT

Sir Roger Casement's trial for High Treason opened on June 26, 1916, in London, before the then Lord Chief Justice (Lord Reading), Mr. Justice Avory, Mr. Justice Horridge, and a jury. Lord Birkenhead (then Sir Frederick Smith, the Attorney-General) opened the prosecution with this speech. Sir Roger Casement was found guilty and executed.

May it please your lordships: gentlemen of the jury, I appear with my learned friends on behalf of the Crown to support the charge of high treason without the realm against the prisoner at the bar, who has the advantage of being defended by my learned friends, Mr. Sullivan, Mr. Artemus Jones, and Mr. Morgan.

The charge upon which the prisoner is arraigned is a very grave one. The law knows none graver. This inquiry will therefore receive, as it deserves and requires, your close and constant attention.

The law of treason is principally founded upon a statute as old as the reign of King Edward III. Treason is the doing or designing anything which would lead to the death, bodily harm, or restraint of the King, levying war against him within the realm, or adhering to his enemies within or without the realm. It is alleged here by the Crown that the prisoner has been guilty of this most heinous crime, that he has adhered to the King's enemies and has attempted to seduce His Majesty's

soldiers from their allegiance. It will be for you to consider, when you know all the facts, whether the Crown has proved these allegations, and whether, if they be proved, there is any circumstance of extenuation which can be urged; or whether, upon the other hand, the crimes which it is alleged the prisoner has committed are aggravated by the relationship in which he formerly stood to the Sovereign whom he has betrayed and the country at which he struck.

It is therefore desirable that you should hear in some detail what has been the career of the prisoner. He is an able and cultivated man, versed in affairs and experienced in political matters. He was not, as you will hear, a life-long rebel against England, and all that England stood for, as others well known in Irish history have been. Let me inform you, as briefly as I can, of the principal stages in a career which has not been without public distinction, and which was directed—it may be remembered even now to his credit—not to the destruction of the power of this great Empire, but to its consolidation and development.

The prisoner was born in County Dublin on September 1, 1864. He entered the service of the Niger Coast (Oil Rivers) Protectorate on July 31, 1892, at the age of twenty-eight. He was appointed three years later, on June 27, 1895, to be Her Majesty's Consul in the Portuguese Province of Lourenço Marques, with a residence at Lourenço Marques. He continued in this employment for three years, and on July 29, 1898, he became Consul for the Portuguese Possessions in West Africa, south of the Gulf of Guinea. He was employed on special service at Cape Town during the war in South Africa, from 1899 to 1900; and he received, when the hostilities ended, the Queen's South African medal. He did not refuse this decoration for assistance rendered to England during this war, although it was a war of which many Irishmen profoundly disapproved, and we may perhaps therefore reasonably assume that at the age of

thirty-six the crimes and delinquencies of this Empire had not engaged his attention, or at least had not conquered his intelligence.

On August 20, 1900, he was transferred to Kinchassa, in the Congo State; and he was appointed, in addition, on August 6, 1901, to be Consul for part of the French Congo Colony. From December 31, 1904, he was seconded for one year; and afterwards for six months from December 31, 1905. On June 30, 1905, he was made a Companion of the Order of St. Michael and St. George, a recognition of his public services which he did not disdain. He was appointed Consul for the States of San Paulo and Parana, with a residence at Santos, on August 13, 1906. On December 2, 1907, he was transferred to Para; and on December 1, 1908, he was promoted to be Consul-General at Rio de Janeiro. On June 20, 1911, he was made a knight. In 1911, the same year, he received the Coronation medal. The State of Goyaz was added to the district of the Consul-General at Rio de Janeiro; and a new commission was issued to him on December 2, 1912. From 1909 to 1912 he was employed, while titular Consul-General at Rio de Janeiro, in making certain inquiries relative to the rubber industry. On August 1, 1913, after, as the facts which I have stated show, a considerable career of public usefulness, he was retired on a pension.

This pension had been honourably earned, and it would therefore be neither necessary nor proper to refer to it were it not for the sinister and wicked activities of the period which I am approaching. But it is necessary now to observe what quality of conduct the prisoner judged in his conscience to be consistent with the receipt of a pension from this country.

Government pensions are paid quarterly, and on each occasion must be formally claimed. The claim is made by a statutory declaration which sets out the services for which the pension was awarded and the amount claimed. The prisoner made five such declarations, the

first on October 2, 1913, and the last on October 7, 1914. They are in possession of the Crown and will be produced. No payment has been made since the last date, nor would it have been made if claimed, as by that time the Treasury had directed, for reasons which you will understand, that this pension should cease to be paid.

I informed you that on June 20, 1911, he received the honour of knighthood, and it is perhaps worth while, having regard to the singular later developments of his career, to read the letter dated June 19, 1911, in which he replied to the notification communicated to him by Sir Edward Grey of His Majesty's intention to bestow a knighthood upon him. He wrote, this enemy of England, this friend of Germany, this extreme and irreconcilable patriot, in the following terms :

"The Savoy, Denham,
"Bucks.

"DEAR SIR EDWARD GREY,

"I find it very hard to choose the words in which to make acknowledgment of the honour done me by the King. I am much moved at the proof of confidence and appreciation of my service on the Putumayo conveyed to me by your letter, wherein you tell me that the King has been graciously pleased upon your recommendation to confer upon me the honour of knighthood. I am, indeed, grateful to you for this signal assurance of your personal esteem and support. I am very deeply sensible of the honour done to me by His Majesty. I would beg that my humble duty might be presented to His Majesty when you do me the honour to convey to him my deep appreciation of the honour he has been so graciously pleased to confer upon me.

"I am, dear Sir Edward,
"Yours sincerely,
"ROGER CASEMENT."

I read that letter because you ought to remember that those were the feelings on June 19, 1911, towards the country which he had served for so long, and towards the Sovereign of that country, of a man of mature years —he was, I think, forty-seven years old at the time that letter was written—a man who had had nineteen years'

experience of the methods of government of this country, in which indeed he had, and not without credit, borne a part. Such a man writes in terms of gratitude, a little unusual, perhaps, in their warmth, and in the language almost of a courtier, to express his pleasure at the title with which his Sovereign had rewarded his career. And he presents his humble duty to the King, and he begs that his deep appreciation of the gracious honour may be expressed to His Majesty.

This was in 1911. The history of the relations of England and Ireland up to that date were as well known then as they are to-day. The controversies, bitter and protracted, often tragic, springing from those relations were either the commonplace of contemporary politics, or they filled the better known pages of our elementary histories. And well understanding these controversies, fully versed in the wrongs of which Irishmen were fruitful in complaint, knowing England's ideals of government well—for at the outposts of Empire he had carried them out—he sends his humble duty to his Sovereign.

What occurred between 1911 and 1914 to affect and corrupt the prisoner's mind, I cannot tell you, for I do not know. I only know of one difference. The Sovereign of the country to whom his humble duty was sent in 1911 was in that year the ruler of a great and wealthy nation, unequalled in resources, living at peace, unassailed, and it almost seemed unassailable. In 1914, this same nation was struggling for its possessions, for its honour, for its very existence in the most prodigious war which has ever tested human fortitude. To the Sovereign of that country in the hour of its unchallenged greatness he sends his humble duty. It will be my task now to acquaint you with the method in which he carried out his humble duty in times dark enough to test the value of the unsolicited professions he was so forward in making.

I have informed you in the most general outline of the antecedents of the prisoner, as those antecedents

are known to the Crown. I cannot describe his movements after the outbreak of war until the happening of certain events to which it now becomes necessary to refer. I cannot, I say, describe his movements, but I have told you that, and you will recollect this date, the last demand for his pension was dated October 7, 1914.

Between the months of September and December, 1914, the fortunes of the struggle in France were such that a large number of British soldiers were taken captive by the enemy, and amongst those prisoners were many brave Irish soldiers. These soldiers taken, as I said, into captivity were distributed, apparently quite normally in the month of December, 1914, among various prisons in Germany, and they were treated neither worse nor better than other prisoners captured from the British Expeditionary Force. But in or about the month of December, 1914, prisoners of war belonging to various Irish regiments were removed from the different camps in which they were then imprisoned, and were collected into a large camp at Limburg-Lahn. And it became evident from what followed that they were collected for a special purpose, which had been the result of consideration and calculation on the part of the German Government.

At that time the prisoner was in Germany, moving with freedom about the country, apparently an honoured guest of the German nation. The full story of the circumstances under which he went to Germany it is not in my power to tell. But it is evident that the part he was to play was that of a man willing, and it was hoped able, to seduce from their allegiance to the King, their Sovereign and his, the Irish prisoners of war who, after fighting valiantly for the Empire, had been captured, as so many brave soldiers of all nations have been captured in this war. One can imagine the type of these private soldiers, aliens and prisoners, in an enemy country. We may perhaps surmise from the very attempt now to be

described that they were simple, unlettered men, unlikely, it may have been thought, to resist a specious appeal.

These men were collected by the Germans for the purpose of listening to addresses or lectures on Irish history and other matters from the prisoner, who, like themselves, had embraced the service and eaten the bread of this country. They were assembled at Limburg, on more than one occasion, and were then addressed collectively, and in some cases individually, by Casement, who moved about the camp freely, and with the full knowledge and approval of the Germans. The Germans, as you know, are very expert in this species of activity. Ireland had been disaffected. Here there was a fruitful soil for seduction. Even then it may be that the scheme of an eventual landing in Ireland had been conceived by this thoroughly resourceful and unscrupulous people. The Irish prisoners of war were there—emotional, excitable, uninformed, the easy victims, it was hoped, of seduction. Nor was the seducer lacking; the letter-writer of 1911 was to be tested.

Whether it entered his head that he was exposing poor men, his inferiors in education, age, and knowledge of the world, to the penalties of high treason I cannot tell you, for I do not know. Whether he conceived of the innocent blood which was so soon to flow in the unhappy country to which he professed devotion I cannot tell you, for I do not know. But I shall be in a position to call before you evidence which will show that between the middle of December, 1914, and February 19, 1915, the prisoner repeatedly addressed these prisoners of war. I do not think it likely that he dwelt upon his own connection with the country which had afforded him a career, which had decorated him with a title, and from which he had accepted a pension. I suspect he did not inform them that three years before he had sent his humble duty to the Sovereign whose soldiers—while their hearts were heavy with captivity—he was attempting to seduce and to corrupt.

I cannot give you a full description of his rhetoric. I can only supply such fragments of his appeals as happened to linger in the minds of those whose evidence is available for the Crown. But I pause very deliberately to say that if it be possible to give an explanation of the original journey of the prisoner to Germany, which is consistent with the duty which he owed, and which he had so recently professed to his Sovereign and his country, I hope that his explanation will be put forward by the very experienced counsel by whom he has the advantage of being defended. But whether or not his original journey to Germany is a step which can be explained, justified, or reconciled with his admitted allegiance, it must, I think, be evident that a wholly different class of considerations arises when one considers the quality of his acts in relation to these Irish prisoners.

He introduced himself to them—such was the tenor of his address on more than one occasion—as " Sir Roger Casement, the organizer of the ' Irish Volunteers.' " He stated that he was forming an Irish Brigade, and he invited all the Irish prisoners of war to join it. He pointed out repeatedly, and with emphasis, that in his opinion everything was to be gained for Ireland by Germany winning the war ; and that the Irish soldiers who were listening to his addresses had the best opportunity they had ever had of striking a blow for Ireland by entering the service of the enemies of this country. He said that those who joined the Irish Brigade would be sent to Berlin ; they would become the guests of the German Government ; and in the event of Germany winning a sea battle he (the speaker) would land a brigade in Ireland to defend the country against the enemy England. And that in the event of Germany losing the war either he, or the Imperial German Government, would give each man in the brigade a bonus of from £10 to £20, with a free passage to America.

Such were the temptations unfolded to his simple listeners by the man who reconciled it with his duty to

address such persuasions to men in the straits, the bewilderment, and perhaps the despair in which these prisoners then were. Gentlemen, to the honour of Ireland, let it be recorded that the vast majority of Irish prisoners treated the rhetoric, and the persuasions, and the corruptions of the prisoner with contempt. He was received with hisses, and was on at least one occasion driven from the camp. The Munster Fusiliers were particularly prominent in their loyal resentment of the treacherous proposals made to them. One private in that regiment actually struck, so it is recorded, the prisoner, who was saved from further violence by the intervention of an escort of Prussian Guards, which had been assigned to him for his protection by a nation which thinks of everything.

Those Irish prisoners who unfavourably received the proposals made to them by Casement were punished by a reduction in their rations. Two men, Robinson and O'Brien, who will be called before you, and who refused to join the Irish Brigade, were transferred to another camp for punishment, and were then put upon short rations. The few men who were seduced from their allegiance by the arguments addressed to them by the prisoner were rewarded by being given a green uniform with a harp and shamrock worked upon it, by unusually liberal rations, both in quality and in quantity, and by the concession of greater leisure and liberty.

Amongst the Irish prisoners in Limburg at this time was a man called Bailey. Bailey, of whom you will hear more, was observed by witnesses who will be called before you to be wearing this green uniform with the harp upon the collar and upon the cap, and to be carrying side-arms after the German fashion. Evidence will be offered to you that Bailey joined the so-called Irish Brigade. He was, I think, at once promoted to the rank of sergeant in that brigade by the Germans, who were assisting and encouraging for their own purposes the formation of the brigade. The witnesses to these

acts of high treason and of treachery include: Private Cronin, Royal Munster Fusiliers; William Egan, lance-corporal, Royal Irish Rifles; Corporal Michael O'Connor, Royal Irish Rifles; Private James Wilson, Dublin Fusiliers; Private William Dooley, Royal Irish Regiment; Trooper Daniel O'Brien, 19th Hussars; Corporal John Robinson, Royal Army Medical Corps; Private Michael Moore, Royal Army Medical Corps; Private John Neil, 2nd Battalion 18th Royal Irish Regiment. All these men with one exception were wounded, and have since been exchanged, and owing to the accident of their exchange they are available here at the disposal of the Crown to give evidence in order to establish the occurrences which in general outline I have indicated to you.

At this point, gentlemen, there is again a hiatus in the information which the Crown is in a position to lay before the Court. I have said enough to indicate to you that in his addresses to the prisoners Casement was in the habit of holding out, as the military adventure for which this brigade was destined, a landing in Ireland, which was described as an attempt to free Ireland from the English enemy; and it is not necessary for me to do more at this stage than to point out that the Germans were evidently not concerned to use Casement for the purpose of forming a brigade in order to add one more to the uniforms, already considerable in number, in the German Army. The inference will probably be drawn by you that it was intended then that such men as could be seduced from their allegiance should form the first fruits of a body which should be actually used for the purpose of raising armed insurrection in Ireland against the forces of the Crown, and of acting as a trained and instructed nucleus round which the disaffected section of the population might rally and grow.

The treason which is charged against the prisoner is the treason which consists of adherence to the King's enemies in the enemy country, and in relation to that

treason evidence will be given to you of many overt acts ; of the attempt to seduce, and in some cases of the actual seduction of His Majesty's soldiers from loyal allegiance to His Majesty ; the plotting and contriving to effect a hostile landing, with stores and arms, and with armed men in His Majesty's dominions.

I have said as much as is necessary at this stage to inform you of the treasonable activities of the prisoner in Germany. We must now pass to that unhappy country which has been the victim in its history of so many cruel and cynical conspiracies, but surely never of a conspiracy more cruel and more cynical than this.

The scene of the events presently to be described was on the Kerry coast near Tralee Bay, on a lonely and wind-swept shore, the home of a scanty fisher population and of a few small farmers. On this shore, on Thursday night, April 20, 1916, at 9.50 p.m., a labourer, called Hussey, looking oceanwards, saw a red light flashing about a mile away at sea off Curraghane—a light which it is possible was not unconnected with the happenings afterwards. And contemporaneously, or almost contemporaneously, with the landing, of which I shall say a word later, of the prisoner and his companions, a vessel, carrying arms, approached Tralee in circumstances which will satisfy you, I apprehend, that those on board that vessel carrying arms were taking part in a common adventure with the prisoner and his party, who were conveyed to this country by other means, which you will, I anticipate, conclude were also of German origin.

The enterprise of the prisoner and his friends had, happily, not eluded the vigilance of the Navy. His Majesty's vessel the *Bluebell* had become generally aware that a hostile scheme was being attempted, and if I describe to you what was observed by those on board the sloop *Bluebell* in relation to the vessel carrying arms, you will be in a position to appreciate the general character of the plan which was formed in order to give

effect to the high treason conceived and commenced on the soil of Germany.

The *Bluebell*, on April 21 (Good Friday), was patrolling in the neighbourhood of Tralee when she sighted a suspicious ship flying the Norwegian ensign, and with four Norwegian ensigns painted forward and aft on each side of the vessel. The captain of the *Bluebell* hoisted a signal demanding the name of the apparently Norwegian vessel, and making inquiry about her destination. The reply was given that she was the *Aud*, of Bergen, bound for Genoa. The captain of the *Bluebell* informed the vessel that she must follow the *Bluebell* to harbour. The captain of the *Aud* answered—and it was noticed that he spoke in broken English : " Where are you taking me to ? " The *Bluebell* thereupon intimated that she would go ahead and that the *Aud* was to follow immediately after.

The *Bluebell* then proceeded to go ahead, but the *Aud* remained without moving, and a shot was accordingly fired across her bows. She then asked : " What am I to do ? " and was again ordered to follow, and thereafter she did follow. She was escorted by the *Bluebell* without further trouble or incident until next morning, when they passed abreast of the lighthouse not far from Queenstown.

Then the *Aud* hoisted a signal, " Where am I to anchor upon arriving in harbour ? "

She was informed that she was to await orders, but meanwhile to continue to follow the *Bluebell*. On nearing the Daunt lightship the *Bluebell* headed for the harbour and the *Aud* stopped her engines. The *Bluebell* went back to her, and, when about a cable's-length away, those on board the *Bluebell* saw a small cloud of white smoke issuing from the starboard side of her afterhold. At the same time two German ensigns were broken at her mast and two boats were lowered, one from the port side and the other from the starboard side. The *Bluebell* fired one round across the bows

of the *Aud*, and thereupon the boats hoisted two flags of truce, and the men put up their hands. They were then taken prisoners on board the *Bluebell*, and placed under armed guard.

These men were German bluejackets, doubtless a picked crew, nineteen sailors and three officers. The *Aud* sank almost immediately afterwards, about a mile and a quarter south-south-east of the Daunt Rock lightship. Since then divers have ascertained that her cargo consisted of rifles—not German rifles, but Russian rifles of the 1905 pattern.

Gentlemen, you will not forget that, so far as it is proper in affairs of this kind to connect these matters by inference, we have established that the prisoner in Germany was attempting to seduce Irish soldiers from their allegiance with the object of forming a brigade which, or some of whose members, were to take part in an insurrection in Ireland. We shall find the prisoner Bailey a member of this brigade, and a man called Monteith, as to whom I can give little information to the Court, and who has avoided arrest—we shall find them being conveyed evidently with a definite method and purpose, but by an agency which I cannot explain to you, to Ireland. We find contemporaneously a German vessel, which has taken every means of disguising her German character, approaching the shores of Ireland with considerable quantities of rifles on board. And the association between these various events is apparent and needs no labouring.

I will continue now the local story. At about four o'clock on the morning of Good Friday, on which these men must have landed at Tralee, a boat was found a few yards from the shore by one John M'Carthy, a farmer living at Curraghane. In the boat was a dagger, and at the same time M'Carthy found in the sand a tin box containing pistol ammunition. There were found, subsequently, also buried in the sand close by or in the neighbourhood, three Mauser pistols, two

handbags containing pistol ammunition, several maps of Ireland foreign in origin, a flash lamp, a large flag, two life-belts, and three coats. The number of the coats supports other evidence to the effect that the party consisted of three men. In the pocket of one of the coats there was found a railway ticket from Berlin to Wilhelmshaven, dated April 12, 1916. M'Carthy, struck in a neighbourhood in which unusual incidents are rare by the discoveries which he had made, carried his inquiries a little further, and he then noticed the footprints of three men leading from the shore towards his house, and continuing through his yard to a stile leading in the direction of Ardfert.

At about a quarter-past five on the same morning three men, of whom one has been identified as the prisoner, were seen by Mary Gorman, a farm servant, passing along the road, also in the direction of Ardfert. The police were informed, and several officers, including Sergeant Hearne and Constable Riley, searched the neighbourhood, and in what is known locally as M'Kenna's Fort the prisoner was found to be in hiding.

M'Kenna's Fort is called a fort; but I am informed by those who have seen it that it is not, as one might understand from the word "fort," so much an edifice above as an excavation below the ground, affording good cover for a man who wished to lie hid.

The prisoner gave his name, on being challenged, as Richard Morton, of Denham, in Buckingham. This was the address from which the letter of gratitude to Sir Edward Grey had been written. He described himself to the police as an author. He was asked what he had written. He replied he had written "The Life of St. Brendon." He said he had come to Kerry from Dublin; had arrived at Mount Brandon on the 19th, had left there on the 20th, had slept at a farmhouse close by, and that he intended to go to Tralee. All these statements were false. He was then taken to Ardfert Barracks.

On the way to the barracks he was seen by a boy named Martin Collins to drop a paper from his coat. The paper was subsequently picked up, and it was found to be a code. It is not necessary that I should read the whole of this code—it is a lengthy document providing for many contingencies—but it is, I think, convenient that I should call attention to one or two of its terms which throw a light on the character, object, and scope of the prisoner's adventure. It contained such contemplated messages as the following: "*Await further instructions. Await favourable opportunity. Send agent at once. Proposal accepted. Proposal received. Please answer by cablegram. Have decided to stay. Communication again possible. Railway communications have been stopped. Our men are at* ——. *Further ammunition is needed. Further rifles are needed. How many rifles will you send us? How much ammunition will you send us? Will send plan about landing on* ——. *Await details about sending on* ——. *Send another ship to* ——. *Preparations are made about* ——. *Send rifles and ammunition to* ——. *Cannons and plenty of ammunition are needed. Send them to* ——. *Send more explosives to* ——. *Send a vessel if possible.*"

Such were the communications which it was expected by the prisoner and his German friends that the adventure in which he was engaged might require to pass between him and them. We are now in a position to connect this landing quite simply, quite clearly, and quite inevitably with the acts of seduction and the treasonable plans which were outlined in Germany. The Irish Brigade was to fight in Ireland. The prisoner attempts a landing with confederates and arms, and he carries a code which enables him to ask for another ship, for rifles and ammunition, for cannon and plenty of ammunition, and for more explosives.

At Ardfert Barracks the prisoner was charged with landing arms and ammunition in County Kerry. He replied by asking whether he might have legal assistance.

On April 22 he was brought to England in custody and handed over to Inspector Sandercock, of the Metropolitan Police, to whom he made the statement: "I am Sir Roger Casement, and the only person to whom I have disclosed my identity is a priest in Tralee, Ireland."

Such, in a general outline, is the case which the Crown undertakes to prove and upon which the Crown relies. I have, I hope, outlined these facts without heat and without feeling. Neither, in my position, would be proper, and fortunately neither is required. Rhetoric would be misplaced, for the proved facts are more eloquent than words. The prisoner, blinded by a hatred to this country, as malignant in quality as it was sudden in origin, has played a desperate hand. He has played it and he has lost it. To-day the forfeit is claimed.

VI

THE AIR SERVICE

A dinner was given in the Hall of Gray's Inn on December 14, 1917, *in honour of the then Prime Minister, Mr. Lloyd George, and the chiefs of the Royal Air Force. Lord Birkenhead proposed the toast of the Air Force.*

I INDICATED before the extremely important and interesting speech which the Prime Minister has delivered, that our dinner to-night had two purposes. The first was to assure him, as we have assured him, of our support, and I think he will leave us to-night with the knowledge of that support; and the second was to propose the health and the prosperity of the Air Service. We have here to-night a great number of men entitled to the most distinguished consideration for the services which they have rendered in the gradual process of the conquest of the air. We have here high representatives of the Admiralty and the Army, and equally important, we have representative manufacturers; and it is in the co-ordination of the efforts of them all that the secret of the supremacy of the air is to be found. How strange it would have appeared some ten years ago if any one had hazarded the prediction that the future of the world war might be determined by the conquest of the air. It may well be that in the next twelve months the future of the War will be determined by that conquest. And when we think of the matchless powers of improvisation to which this great nation has proved itself equal in the

last three years, we must recognize that none has been more amazing than its progress in the subjugation of the air.

We have here many who have differed in their views of the necessities of the time. We have present, for instance, Mr. Joynson-Hicks. I remember him as an old critic who long before the War declared that there was an immense military future in the air, and that our provisions in that direction were inadequate. The War has proved him to be right. We have here also, and if I may say so, an interesting and an arresting personality, one of the most brilliant members of the House of Commons, a man who commands audiences which many Cabinet Ministers fail to secure. I refer to Lord Hugh Cecil, who, at the beginning of this War, qualified as a pilot, and has since rendered very great service in the organization of the Flying Corps.

Success can only be achieved by harmony and co-ordination among all those who are engaged in mastering the enemy in the air. If there is to be competition between the Army and the Navy and then a third element of competition by some neutral, or hermaphrodite Board, it is evident that there never can be success. But there can be success if all those concerned in the greatness of this country and the efficiency of our airmen can speak, not for one force or another force, but for England in the air.

What does it mean, the War in the air ? It is very easy for us in the luxury and security of this Hall to assume the performances of our airmen, but I wonder if it is possible in imagination for those of us who have not been called upon to take part to conceive the efforts, the sacrifice and the gallantry of those young heroes—all boys—who go from the public schools to set a seal on the valour of this nation the like of which has never been known. We talk of the valour of the Homeric heroes, but the only clouds in which they fought were provided by the goddesses for their protection. The valour of

the heroes of Homer, made musical by the praise of poets, has been far, far surpassed by that of our own airmen. Let there be no delusion. Never have the stamina and fibre of the human race been tried as it has been tried in the exertions which day by day the boys of the Air Services are making. Many of them had been living lives of luxury, and now these boys from Harrow, Eton and Oxford, and the grammar schools of the Empire, every day take their lives in their hands, and they do it for us.

The Air Service which this country has produced is the wonder and admiration of the world. We welcome to-night the new Secretary of State for the Air.[1] We have here, too, the most distinguished soldiers and sailors, on whom we shall have to rely in the exercise of their official duties; and I venture to make myself their mouthpiece when I say that the great task which lies before him will not be complicated by any inter-Service jealousies. No Minister ever faced a more difficult task with more courage than my right honourable and noble friend whose toast we honour. His difficult task would be made more difficult, and even insurmountable, unless the Military and Naval Services determine that they will make his task easy. They will make up their minds that all the old things have ceased to count; and that there will be no controversy between the Army and the Navy.

The Army salutes the valour of the Navy, and the Navy is never tired of saluting the bravery of the infantry. Let us all realize this, and let this dinner be the sign and seal that both and all the Flying Services count for England, and that England may depend upon all. In this spirit and this hope I give you the toast of the Air Force.

[1] Lord Rothermere.

VII

LAW, WAR AND THE FUTURE

This speech was delivered to the members of the New York State Bar Association on January 11, 1918, *and formed the Association's annual address for that year.*

Mr. Justice Hughes, my Brethren of the Bar of the State of New York,—Many distinguished predecessors, either holding my position in the Bar of Great Britain, or high judicial position, have had the honour of addressing their Brethren of the Bar of the State of New York. They have done so under circumstances more favourable, because more leisurely, than those conceded to me. They have, therefore, been able to lend to their observations a literary atmosphere worthy of the audiences which they have addressed.

I address you under the least auspicious circumstances that can be conceived. Since I first landed in your country a fortnight ago, I have travelled many, many thousands of miles; I have spent the last four nights in your hospitable railway trains, under circumstances, I believe, in which they have not done themselves full justice; I have made, I suppose, in the last fortnight or three weeks, as many as twenty or thirty speeches; and under those circumstances you will not, I know, exact from me the same finish or perfection of form which the Bar of New York has been accustomed to claim from the Bar of England. But you will accept the will, in substitute for the performance, as an

indication of what I should have attempted, had I addressed you under more normal circumstances.

No English lawyer can ever feel anything but at home when he addresses American lawyers. The reasons are, indeed, simple. The mighty streams of Anglo-Saxon jurisprudence spring, after all, from a common source, and no circumstance is more commonly reflected upon with pride by English lawyers, than that the constitutions of all your States but two, contain a reservation to the effect that where no other law applies, the doctrine and the conclusions of the English common law shall determine controversies within their confines.

I may, perhaps, cite a further illustration, drawn from my own experience: It has been my fortune during the last three years, as law adviser of the British Government, to argue many cases in our Prize Courts. In the earliest stages of those arguments, I was conscious of some embarrassment when I reflected upon the view which was held of them by some American lawyers. But I assure you that no authorities were more frequently cited by me before the President of our Prize Court, Sir Samuel Evans, and before the Privy Council, which is our Appellate Court on prize matters, than those decisions of your great American judges which are contained in the reports of Wallace and Cranch. I am sure that American lawyers would have been proud if they could have observed, as I have done (sometimes to my confusion as an advocate), the respect which is daily paid in the highest courts in our country to the judgments of the distinguished judges whose decisions are recorded in those historical reports.

At first sight superficial persons may be tempted to the conclusion that this is not a war which very much concerns lawyers. I take a different view. I think that it is a war, of all the wars which have ever been waged, that concerns lawyers, because it is more directly and more demonstrably related to legal problems than any of the great wars of the world.

LAW, WAR AND THE FUTURE

I have chosen to-night a wide subject, one which enables me, with your kind indulgence, to touch, with superficial treatment, upon a variety of subjects. The title of the address is, "Law, War and the Future." I and those who listen to me are supposed to be learned in the law. In the language of Horace, we are *legum jurisque periti;* but, with the skill of our science, we have, I believe, fastened upon the laymen of this country and our own a higher degree of responsibility than we have ever accepted in our own case, because every layman in this country is bound at his peril to understand the law. But as I understand your law and ours, we lawyers can only be called upon for a reasonable understanding of the law.

Most of us are busy practitioners; and we give advice to people who find themselves in difficulties in the affairs of daily life. I suspect that in the stress of practice we may forget those far-away student days, when we brooded under compulsion over the philosophical but somewhat arid volumes of Austin. I doubt whether there is a practitioner at the Bar listening to me to-day who, in his younger days, was not compelled, or, at any rate exhorted, to study the volumes of this sound, but unsensational, Apostle of Analysis.

I hope that you have maintained in its unimpaired integrity the fresh and fragrant impressions which I, and no doubt you, in youth derived from those volumes. I am about to ask you (making a great strain upon your friendly indulgence) to recall what has been the conception of law, not as we have occasion to realize it in our daily practice, but as it was analysed for us in our youth by the great writers who have become classical names in the history of jurisprudence.

I suppose that, in its proper sense, law is adequately defined as an instruction, or a prohibition, issuing from an organized and sovereign society, to persons within the jurisdiction, and fortified by an appropriate sanction.

There are many uses of the term "law" which are analogous or purely metaphorical, which writers who have dwelt upon the inevitableness of law—upon the familiar experience that when the law issues certain injunctions or prescriptions certain consequences follow —have invented by way of metaphor. Instances of such metaphorical use can be found in the phrases: "The law of gravity," or "the law of refraction." A well-known writer[1] has pointed out how merely metaphorical such terms are in relation to the severe and proper conception of the term *law*. When you say there is a law of gravity or a law of refraction, all you mean is that under certain physical conditions objects are refracted or objects do gravitate.

But these uses of the term "law" are of very small importance in relation to the use of the term "law" which a lawyer, addressing lawyers, is bound to make. I am chiefly concerned to-night, attempting as I am to develop the conception of law in its relation to the great world crisis in which we find ourselves, to lay stress upon the coercive element in the conception of law, upon the sanction which visits with punitive consequences the citizen who is in breach of the law.

In our domestic law, the power of punishing the man who is in breach of the law is essential to its very conception. No state is civilized which has not, in the first place, this conception of law, and which does not, in the second, associate in its execution the consequence, that any man who breaks the law suffers. And if you ask an educated citizen which of all the elements in law is the most characteristic, he will undoubtedly reply that it is to be found in the fact that the man who disobeys the law sustains punishment at the hands of Society.

I merely restate this commonplace and familiar doctrine because I invite you next, by way of contrast, to consider the conception of International Law. Then I shall ask

[1] Sir T. E. Holland.

you to allow me to develop some general observations upon the elements of resemblance and the elements of distinction between the two.

An adequate definition for our purpose of International Law is, perhaps—the body of doctrine which civilized nations have agreed to accept among themselves as binding with a degree of obligation comparable to that which they concede to their own municipal laws. Let me, if you will allow me—because in a matter which is historically so obscure one can only proceed by a series of guesses—let me attempt, in the most superficial way, to trace the probable origin of International Law, or the public law of states.

The subject is unfamiliar to the ordinary practitioner, for although you are in your practices familiar with what is sometimes called under a misleading label, "Private International Law," there are probably not many among you who have been called upon to consider, or to conduct cases, which fall under the head of Public International Law.

The development of this doctrine from the earliest days of civilization has been slow, painful and laborious. It probably sprang in the very infancy of humanity from the concessions which were made to heralds; from the immunity, gradually established, which conceded to heralds some degree of protection. It is obvious that if heralds had not been protected from violence, the career of a herald would gradually have ceased to attract; and, therefore, in elementary communities international intercourse would have been difficult, if not impossible. You will remember that in the Old Testament, when the ambassadors of David were sent back with one side of their beards shaved off, it was generally felt that the matter had been carried too far.

We must pass over, with hurried and superficial survey, centuries of human life, recording merely the conclusion that there has hardly been a nation, there has hardly

been even a tribe, in the world's history, so uncivilized as not to recognize that there must be some channel, protected from violence, through which the public communications of one community might be conveyed to the authorities of another community. So if you take the *jus fetiale* of Rome, you may find the cradle in which International Law had its germinal growth.

But many bitter, bloody centuries were to pass over the world before even the infancy of that science, as we understand it to-day, was safely traversed. The mediæval world passed through a welter of unredeemed savagery. Almost a hundred and forty years of strife convulsed the Continent of Europe, during which men knew no public law, during which the license of soldiers was controlled by no legal proscription, before we come to that memorable century in which the humane and versatile genius of Grotius first began to collect the elemental sources from which International Law ultimately rose.

I ask you to consider at the outset of this branch of my address how vital it is to civilization and to humanity that there should exist some system of public law able to command the obedience of the civilized world.

I have attempted to analyse the qualities which, of all others, are essential in our conception of municipal law. You have your own laws in this great community. Your laws would not possess the slightest value, they would not be worth the paper upon which they are recorded, if they did not carry with them the certainty that the malefactor, who violated and defied those laws, would be corrected by the strong hand of the State. Think next what it would mean to humanity if the great nations of the world could establish some kind of public law which would give to those who come after us some guarantee that law, and not anarchy, will determine the relations of nation to nation, just as, in the gradually developed processes of our civilization, the rule of law has superseded the wildness of anarchy.

But the difficulty in dealing with International Law has always been that there has been no *sanction* in our public law—and sanction, as you very well know, is the term technically used to express the penalty which is imposed on the wrong-doer. A man breaks the law either on its civil or criminal side. If it is a civil matter, the plaintiff issues his writ and obtains his redress. If he breaks the criminal law, the methods are more summary. But the first thing to grasp about public law, about International Law, is this: That, with two tremendous reservations, which I will illustrate and attempt to explain in a moment, there is no sanction, there is no means of involving in the web of punishment the malefactor at the bar of Nations.

Consider what that means. It means this: If an individual nation chooses to say at this stage of the history of the world, "I refuse to be bound by your laws," civilization is impotent as against that nation unless (and these are the reservations to which I referred a moment ago) first, the other nations of the world are prepared to combine in war against this nation, and unless, in the second place, they are strong enough to combine successfully in war against that nation. For it must be noted that if they fail the wrong-doing is consecrated by successful war, as certainly as wrong-doing would be consecrated under the law of this State of New York if a gang of malefactors in the streets defied your police, and ultimately, on that defiance being challenged, defeated your police.

And we should further remember that it is not of itself paradoxical that a resort to armed violence should be necessary to vindicate law. Similar phenomena are, in ultimate analysis, recurrent in its domestic vindication. But in the field of domestic law observe this: The civilian authority must, if disobeyed, use force, or, in the alternative, must confess itself to be powerless before the assertion of naked anarchy.

That is the real distinction, and, in this crisis of the

world's affairs, its obvious relevancy is the sole justification of the somewhat commonplace observations to which I am asking your attention to-night. Bear this in mind, first, last, and all the time : The moment there is a violation of your municipal law, either you repel it or your city, and all the complicated structure of civilization which depends upon it, ceases to exist.

The moral anarchist must be dealt with, and must be dealt with at once. Either he makes an end of you, or you make an end of him. It may, therefore, occur to some of you to ask, since the points of distinction between private law and public law are so manifest, "How is it that through the history of the world so much effort has been made to lend the appearance of legal form, and to attribute, so far as may be, the appearance of legal sanction to the public law of the world ?"

It has not been because those who have spent their lives in attempting to create the edifice of public law were unaware of those weaknesses, that they have nevertheless thought it worth while to labour constantly in order to make good the admitted defects of public law. They have known its weakness well. No legal writers have brought more humanity, more learning, or more shrewdness, to the study of the law than the publicists who have, by their collective contributions, made International Law at once a legal and a literary science. As many of you well know, an immense literature has grown up dealing with the science of International Law.

It has been my habit for twenty years of my life, and my duty in the last three years as principal law adviser of the British Government, to keep myself generally acquainted with the chief authorities upon International Law. Indeed, it gives me satisfaction to say, addressing my brethren of the Bar of the State of New York, that in my humble judgment the greatest book that has been written upon International Law was that edition of your own Wheaton, which was enriched by the learning

of Mr. Dana. And, gentlemen, you were not alone in your contributions to the literature of this subject. The best legal brains, certainly the best academic legal brains —and they were by no means the worst legal brains of the world—have created a vast intellectual product which contains and enshrines in a worthy, and I still think a permanent monument, the industry that has been contributed to the literature of International Law.

I may, perhaps, give you an illustration of the growing authority of its doctrines among civilized countries: It has come home to me more closely than I could expect it to come home to American lawyers. It is well known to you that prize courts are supposed to administer not the laws of their own country, but International Law, and that their discharge of this trust is a test of their honesty and integrity.

I, as Attorney-General, had recently to argue—such was my duty—before the Privy Council in Great Britain, that Orders in Council, proceeding from the Privy Council, were binding upon the Judicial Committee of the Privy Council. I argued that case. It had been argued before my day, in the days of the great Lord Stowell, I suppose the greatest intellect which in a judicial capacity has devoted itself in our country to the doctrines and problems of prize law. Lord Stowell refused throughout his career to decide that question adversely to the contentions of the Crown. Those contentions were the same contentions which I, as Attorney-General, put before our Privy Council two years ago, namely, that no prize court in Great Britain had the right to challenge or call in question the Orders in Council of His Majesty, delivered through his Privy Council.

Well, gentlemen, our appellate Prize Court, the Judicial Committee of our Privy Council—and it is not for me to say whether, in my judgment, they were right or wrong—decided after long argument against

my contentions as Attorney-General. And they decided (whether they were right or whether they were wrong) to the credit of the integrity of the judges of Great Britain, for they said in effect : " We sit here as a Court of International Law, and in spite of what our enemies have done we still believe there are binding doctrines of International Law, and sitting here as we do sit as a Court, whose duty it is to construe those doctrines, we utterly refuse to be bound by Orders in Council issued by the Executive. And if you force us by Act of Parliament, as you can, to recognize your Orders in Council, we will recognize them because we must, but it will become clear to the world that we have ceased to be a court which administers International Law, and that we have become the mere mouthpieces of executive and legislative authority in this country."

Allow me to observe that this was a decision which your judges, as far as I am acquainted with your reports —and I have studied them very closely—never gave in your great Civil War. It was a decision which Lord Stowell and their lordships of the Council, who sat in appeal from the decisions of Lord Stowell, never gave. I believe it is the first time in the history of war, and under the stress of a war which has made great demands upon judges—who, after all, are human—that this decision has been given to the world with the authority of the highest Prize Court in a civilized country : " We are a court ; we administer International Law, and we are not to be dictated to by any executive, even our own."

In the attempt to construct upon the foundation which was always known to be in one particular unsound, what it was hoped would, nevertheless, be a satisfactory and permanent edifice, the statesmen of your country and mine made immense efforts to arrive at conventions and treaties in which the conclusions of public law should be authoritatively stated. With that object we met at The Hague and other conferences, and the laws of war,

by land and sea, were exhaustively examined by some of the ablest men in our countries, and on the Continent of Europe. And in pursuance of the same aims and objects, a complex network of treaties was formed.

It is worth while asking in the light of the cynicism prompted by our knowledge of the developments of this war: What justified the prodigious expenditure of moral and intellectual energy which was lavished upon these discussions and these conferences?

I think I can tell you almost in a sentence. The justification was the belief shared by almost all the civilized powers in the world that no power in modern times would be wicked enough to profess and even boast of a moral anarchy; that no General would ever write, as Bernhardi wrote: "Treaties are only binding as long as they are beneficial to those who had signed them"; that no monarch would ever say, as the Kaiser said to your Ambassador Gerard, in a cynical sentence, secondary and subordinate to the more important messages he was conveying: "Besides, there is no more International Law"; and that no Power would be found vile enough to act as Germany did, when her legions swarmed in an orgy of blood and lust over neutralized and inoffensive Belgium.

And yet we ought not here to-day, composing an audience in which sensible Anglo-Saxons meet, to hold ourselves wholly excused for our blindness. The country to which I belong is not generally supposed to consist completely of fools. Nor is the nation whose Bar in the State of New York I address usually described as one of symbolical simplicity. We had our warnings in all these years, and our fathers and our grandfathers had their warnings. Let us not limit the indictment—the arraignment of simplicity—to one single generation: Silesia, Poland, Denmark, France and Austria cried aloud through the ages a bloody and plangent admonition to those who had ears to hear. Bismarck, the greatest and the most characteristic exponent of the

Prussian and Junker class, was never tired of bespattering International Law with expressions of public contempt.

Had those who represented my country, and had those who represented your country, possessed eyes that could see and ears that could hear, during those critical periods in their history, this crisis might have been avoided. Had there been clearer vision in either country, we should have seen that there was growing up among one of the most powerful nations of the world, a deliberate and a proclaimed intention to substitute the maxim *sic volo, sic jubeo*, for the ordered and agreed body of Public Doctrine. We should have detected the barely concealed reversion, in progress before our eyes, to a perverse, but coldly philosophical, creed of anarchical violence.

This moral declension is generally admitted to have dominated the public thought, the history and the philosophy of Germany, certainly for a period of forty years, and probably (though with interruptions) for one of almost one hundred and twenty years. It deserves a cold and critical analysis. It serves no purpose in an assembly of lawyers merely to abuse the tendency. We have never, as a profession, been lacking in the arts of invective; but to abuse this moral abnormity serves no useful purpose. You might as well pass a vote of censure upon appendicitis.

The real truth, if we look facts in the face, is that we are to-day (your country and mine, and the whole civilized world) face to face with phenomena which have been recurrent at long intervals in the history of the world. At intervals in that history the swaddling clothes of existing boundaries are burst, or torn, by the conquering elements of some mighty, challenging, martial race. Sometimes the soldier race which has swarmed over its frontiers has been civilized. Sometimes, barbarians have submerged an existing but less warlike civilization. The history of the world shows at

least thirty occasions at which, at long intervals, victorious hordes have swept in conquest over contiguous portions of the world which they thought they could conquer, and of which (or so it seemed) policy suggested the conquest.

The success of such conquering empires has usually depended upon a number of conditions. It has depended, first, upon the possession of great military strength, the fruit of national character and national training. Secondly, upon the existence, in the policy of the aggressor, of a despotic form of government—for democracies will not, as a rule, permit the requisite preparations, or sanction on principle wars of aggression. And the third condition of such success has been the general absence, or the obsession, of moral standards in the conquering country, which, according to the circumstances, is the result either of natural savagery, or, where the conquering state has been civilized, is the result of cultural perversion or debauchery.

In a small number of cases, the condition has sprung from the legitimate desire of a higher type, emerging late in history, to assert its due place in the contemporary race.

I think that I have exhausted the circumstances under which these great conquering movements in the passage of generations have stamped their consequences upon the features of the world.

They have arisen very rarely, as I have pointed out, but they have been generally very decisive in their consequences. It is, therefore, important to analyse the nature of the movement by which we are all confronted to-day.

If it were possible to say that the world-conquest movement initiated by the German Empire to-day fell under the fourth class which I have indicated to you—that is to say, a movement springing from the legitimate desire of a higher type, emerging late in history, to assert its place with resultant gain, upon a reasonable

balance, to the human race—if it were possible to make that claim, we should be less severe critics of the tiger-spring which the German Empire has made at the throat of Humanity.

But we all know that there was nothing in the whole world denied to the German Empire in the early part of 1914. There was no part of the world to which its citizens were not welcomed as colonists; there was scarcely one where they were not the admitted conquerors in the peaceful arts, even where your great nation was a competitor. And I believe that when history pronounces its last condemnation of the German nation, it will conclude: It was insanity which seduced them into a moral perversion so abominable, and which involved them in a destruction so complete. It was the corruption of the soul which led them in 1914 to flout and mock the moral law of the civilized world.

But that law has been most plainly challenged. It has been challenged neither by your country nor by mine. What is the challenge? It can be simply and plainly stated. It is, in a word, the claim that might is right; that there is no public law; that a nation may break adrift from every recognized rule, and by brute force assert, in the first place, its superiority to law, and, in the second, by that unpunished assertion of force, win public recognition of that superiority.

I attempted in the first part of my address to call your attention, familiar though these subjects must be, to the essential quality of domestic law in every civilized country; and then I attempted by way of contrast, to exhibit to you the weakness of public or International Law, in that it did not possess the sanction necessary to involve the wrong-doer in punishment for that wrong. For the last two or three hundred years, most civilized countries decided on the whole that it paid better to observe International Law. It has been the glory of

your country throughout its history, that it never broke an obligation of International Law, as that obligation was construed by the courts, your highest courts, or by the leading statesmen of your country.

It would have been as absolutely impossible for a great statesman in your country to go before his fellow countrymen, as it would have been for a great statesman in my country, and say: "We made that treaty, but the conditions have altered; it does not pay us to observe it. We propose to break it." I have had, as far as a stranger may, some reasonable knowledge of the history of your country. It has also been my business, at intervals, to study the history of my own country; and I say that you could not discover a democratic audience of Englishmen, or a democratic audience of Americans, before whom an English statesman or an American statesman could say: "True, we pledged our word; but it does not pay us to keep it and we are not going to keep it." Such a Minister would have been broken in England; such a Minister would have been broken in your country.

And in this controversy so brutally developed, the consequence follows which is often found when bitter and fundamental antagonisms emerge, that compromise seems to be almost inconceivable. We conquer the anarchical element in public law, or the anarchical element in public law conquers us. Observe the issues which are developed here: Either law wins, either a result happens following upon the clash of arms, on which it is possible to say that, among nations as among individuals, the plighted word, the sanctity of contract, hold; or the contrary follows. The consequences to civilization are so tremendous that I have no hesitation in saying that issues so vital to the whole history of the world have never been developed in any of the great wars of the world.

The world has known dynastic wars, it has known territorial wars, but it has never groaned under a war

which has so completely challenged and put in issue the whole fundamental basis upon which civilization, humanity and Christianity depend!

If this be so, what is the test of success? The test of who wins is found in the answer to the question: who is punished? There is no other test. The court, some of you may say, in our legal phrase, has been constituted *ex post facto*, but the League of Nations, as I understand it, and (I think) in the sense in which your President uses the term, is even now engaged in the work of retribution.

Give me leave to add this: If we are determined—your country and ours, and our brilliant and inexhaustible ally, France—if your country and ours, and our Allies, are determined to go to every extremity, we must win. I do not dwell to-night upon the measure of our ultimate resources, if and when those resources are asserted in their final strength. I would rather, at this moment, dwell upon the moral than upon the material resources of the Allies.

I say this, addressing the representatives of a great nation which has never tasted the bitterness of defeat in war—I, representing unworthily the British nation, say here, boldly and plainly before you, that we have played, as we shall continue to play, our part in this war; and with your indulgence as friendly critics, I say, further, that it is a part which is unworthy neither of our past history nor the alliance which you now extend to us!

I cannot say of my own nation, as I have said of yours with indisputable historical truth, that it has never tasted defeat. But I can say this: It has only tasted it a very long way from home. And a long time ago. And at a time when the tonnage difficulties were almost as great as they are to-day. But I can say this of my country: In all its history, in all the bitter struggles in which it has been engaged, when once it has clasped in loyal faith the hand of an ally it has

never faltered until the common quarrel has been carried to a successful goal!

And as the humble mouthpiece here to-night of the British Empire I bring you this message: "Reinforced and comforted by your alliance; clasping the hands of this country in our common peril, we say: Whatever happens, whatever the cost may be, of blood and treasure, whatever mortgages we draw upon the vitality of our race, and upon our future resources, this quarrel goes through to the death! Here and now it finds a decision!"

If we win and if we punish those who have broken the public laws of the world, International Law will have received a supreme public vindication. Perhaps no nation, however strong, will ever dare again to dream of aggressive war. Perhaps—I do not know—perhaps the great and splendid dream of an international tribunal, administering a law which would satisfy the analysis I have already examined, may be realized. Perhaps, I say, these things may happen; I do not know. Our examination as lawyers of the noble proposals which have been most warmly and sympathetically received in our country should be reserved, critical, but, as far as may be, helpful. If we do not coolly measure the difficulties which attend these proposals, attractive as they are, it is certain that those difficulties, swiftly and unexpectedly emerging, will overwhelm the proposals, for—make no mistake—they are stupendous in their aggregate weight. Nothing but the importance of the result could persuade the world to try and solve a problem which seems so insoluble.

It is not my purpose here to-night to play the part of a pessimist in relation to hopes which may seem to many of us to afford the sole prospect of a happier world as the fruit of this war. My only object, as a lawyer addressing lawyers, is to call attention to the dangers of trusting rhetoric alone, to the immense difficulties which attend in practice the proposal to form an effective League of

Nations. When I indicate these difficulties I do it, not in the spirit of a man who wishes to exaggerate their force, but of one who wishes, as far as he can, to suggest any method by which they can be overcome; and I hope it will not be supposed that I am attempting to do anything but assist the proposals of the President when I ask you never to lose sight of the prodigious obstacles which lie in the way of the attainment of the ideal, so eloquently and so persuasively indicated by that great man.

In the first place, there is the difficulty of limiting the armed force of each country, of allotting the appropriate contingent for defensive purposes to each country which will be represented at the Conference. I have read something of old European Conferences, and it may be that their laconic character will be more marked when they have American representatives among their number. I do not know; but it appears to me that the discussion as to what is to be considered an adequate military defensive force for each country is one which is likely to be protracted and most highly controversial. But I observe in this connection that a very distinguished statesman of yours has quite recently indicated a hope that national service will not be ruled out of the scope of the recommendations which the League of Nations may ultimately present. I have been all my life, under changed and earlier conditions, an ardent advocate of national service. I merely doubt whether that particular ideal is very much admired by those who are among the warmest supporters of the League of Nations.

I find it hard to reconcile the League of Nations with the survival of national service. If the League is effective there is no place for universal national service. If it proves ineffective, there will be growing need of it both in your country and mine.

There is a further difficulty, that of dealing with the special case of insular powers, and the problem,

involved in that case, of sea-power. It would obviously be no part of my purpose to-night to exaggerate the difficulties which may arise in this connection. But I should not, I think, be dealing candidly with you if I did not indicate as matters to be borne in mind by a very ingenious community, fertile in contriving remedies, that great complexities are certain in this matter.

For instance, at the present moment the American Navy is exhibiting all its old qualities of initiative and endurance, with results which are not very easily distinguished from the work which is being done by the Grand Fleet to-day, and some of your ships are, as you know, engaged on the same tasks in the same waters. It is quite obvious, that a complete change of view in relation to the meaning of the phrase : " Freedom of the Seas " would require both considerable discussion, and clearer definition than it has hitherto received. To most of us it seems that at this moment the American Navy is fighting, with all its old valour, for the freedom of the seas.

Furthermore, a great field of difficulty needs to be considered in another connection : The definition and allotment of air-power in the future. The construction of airplanes admits of very ready concealment, and the phrase which has become stale to you, may still, for want of a better, be employed : the construction of airplanes is very easily concealed by camouflage. And yet airplanes, swooping in unexpected fleets, may very easily, in the development of ten years, involve a whole community in complete destruction.

I confess I feel that there is a more fundamental difficulty—not that I am attempting to convey to you that I think these or any other of the difficulties are insurmountable.

The difficulty I have in my mind is one which will test the constructive wisdom both of our statesmen and of yours ; it is suggested by any proposal to

stereotype the present tenure and ownership of the world's surface.

I suppose that if a League of Nations be formed, it must start upon the basis that aggression is to be forbidden, punished, rendered impossible by the force of such arms as remain available in the hands of the League for collective employment. Here again, I am by no means to be regarded as standing in antagonism to these proposals, but only as recommending to you a careful consideration of all that may be involved in them. If, indeed, the League of Nations is to be invited to oppose a barrier to any further aggressive warfare, it is at least wise to recall some of the experiences of history.

It is well to remember that empires wax and empires wane; that a nation puissant and glorious in one century may live to administer in another, with nerveless hands, an imperial heritage for which, in the long cycle of centuries, it is no longer fit. Such experiences have happened, not very remotely, in your contact with the Old World. Is such reconstruction to be undertaken by a Council of the Nations? If it is, I sincerely trust that it will be unanimous in its decisions. I do not know whether its members will vote equally, I do not know whether, when they have voted, there will be acquiescence in their decisions. Will great and proud nations lightly consent, in obedience to such a decision, to transfer territories, once the brightest jewels in their diadems, to a worthier legatee? Would Spain so have agreed twenty years ago? Would the League have compelled her? Could you have obtained agreement from its members for that coercive purpose? Would you have desisted from your purpose if that mandate had been denied?

I do not know whether our present enemies are to be members of the League, or whether, if they are, they will strengthen either its influence or its credit. Will a Prussian, crouching for a second spring, be an agreeable

bedfellow ? Is an unpurged Germany a possible member ? Obviously no—only a punished Germany ! So, by every route, we are driven back to the one static feature in a dynamic controversy : Public law disappears for ever from this world if we are proved powerless in this controversy to castigate the wrongdoer.

Yet, I agree that it is worth while trying for the ideal.

It is worth while to make the attempt. It is better to harness your wagon to a star than to a machine-gun, though a knowledge of the one may be very useful as a means of attaining to the other. I am not a pessimist in these matters. But I urge upon you, as one cautious by temperament and training, and slow to adopt rhetorical phrases, as a substitute for the detailed working out of problems, I urge that it is important, if you cherish, as I know this nation dearly cherishes these ideals, to prepare now. Get the best minds of your country working now to help this League of the Nations to bring to tortured Humanity the first faint whispers of an imperishable hope. Believe me, it will be far too late when the actual Peace Conference meets.

Conceive the immense congestion of their discussions ! Your President has claimed—a claim which will neither be disputed nor questioned in any of the Allied countries —that the discussions of that Peace Conference shall be public. I hope that I am not a cynic, but my observation of discussions has been that it does not invariably happen that public discussions are the shortest. It may sometimes be so, but I have known of other cases. If this Peace Conference, whenever it happily meets, is to determine the whole territorial reconstitution of Europe, upon lines so admirably indicated, both by our own Prime Minister and by your President ; if it is to perform its prodigious work under the stimulus of publicity, so that each speaker developing a meritorious—and it may be an eloquent—argument, is aware that not only those who listen to

him, but the Press of his own country will be preserving records of his sagacity and prescience, I have a feeling that the territorial discussions alone will occupy a considerable period. And if in addition the Peace Conference is to reconstitute the moral arrangements of the world, I cannot help thinking that the prospect will be more hopeful if some of the preliminary spade-work is done while the war still lasts.

I am deeply concerned to make my position clear to you; and I have almost concluded my demand upon your patience. I am not here to disparage the most noble ideals which your President has uttered for the encouragement of his Allies, and the refreshment everywhere of well-intentioned men. But I am here as a lawyer addressing lawyers. We are careful and cautious men, and if we do not apply the touchstone of critical analysis, what can be expected from the rest of the population?

I myself am concerned to make this sure—that instead of merely talking about a League of Nations which is to render war impossible hereafter, we shall, as far as assiduous attention and forethought can do it, consider before the occasion actually arises, whether such a thing is or is not in the range of human endeavour. Do not let us give up hope or surrender enthusiasm too easily. It would be a black prospect if out of this war we plucked no sure and certain hope that we might avoid the horrors, and the obscenity, and the cruelty, of war for our sons and grandsons. And, indeed, if this ideal be ever won, it will be because we have anticipated difficulties in time to crush them. But, if it be attained, a precious salvage will be redeemed even from the Pit of Despair.

Without posing as a prophet in reference to hopes, which at this stage of the world's anguish must be pronounced very shadowy, I make bold to say that I clearly descry, even in this black gathering of clouds, one bright lining. For centuries there have been occasions

of coldness between your country and mine. This war will not have been waged in vain if these two proud and free nations, which have so often misunderstood one another in the past, learn, as they march side by side along a bloody road, of which the milestones are graves, the secret of an immortal, an indestructible harmony.

VIII

GRAY'S INN

This speech was made in the Hall of Gray's Inn on the evening of May 9, 1919, at a House Dinner given to Lord Birkenhead (the Treasurer of the Inn) on his elevation to the Woolsack.

I DO not know what life may have in store for me, but I know this, that, on its public side, it will afford no occasion which will fill me with a degree of emotion deeper than that which I experience as I address you to-night. Master Mattinson[1] has proposed my health in language far too indulgent, but I am glad indeed that it should have been proposed on this occasion by one who is the sagacious custodian of our finances, and who has established a claim to gratitude so deep and permanent not only upon the present, but upon future generations of Gray's Inn men.

I would wish to say in the first place, that while the present occasion is one to me of supreme personal interest, the principal significance of to-night, must in the eyes of history lie not in the extraordinary compliment paid to myself, it must lie in the long list, which you, sir, to-night read out of those members of this Society whose devotion to this House must be measured by the devotion which led them to die for their country.

They are not with us. They gave their brilliant youth to the country of which they were ornaments.

[1] Mr. M. W. Mattinson, K.C., a Bencher of Gray's Inn.

The depth of our pride in them cannot be expressed in terms of rhetoric. Their names will live for ever in the history of this House, and as compared with them and what they did, or with the priceless unforgettable example which they have set, legal luminaries, believe me, are transient and undistinguished phantoms. The names of those members of this Society, the unconscripted members of Gray's Inn, men who in the supreme moment —for so I believe historians will pronounce it—the supreme moment of the fortunes of the British Empire, rushed to arms to defy and defeat a menace and challenge by the side of which the challenge of Philip of Spain, of Louis XIV and even of the great Napoleon were negligible —I say the names of those young men shall never be forgotten. In this House we can give them a special sanctuary, and we shall do it for all time, in our hearts. We shall also do what is much less important. We shall create a memorial, however unworthy, which will express for ever to posterity the measure of the debt which we owe to them, and the pride which we feel in their glorious sacrifice.

Master Mattinson has spoken of the Members of Parliament for Liverpool. His modesty led him to omit the circumstance that in the constituency for which I first sat in the House of Commons, I had a predecessor in Master Mattinson; and I am glad to add this, that his sound grasp of economy, to which this House is so much indebted, was not even in the early days forgotten by him, with the result that I succeeded to the least costly seat which any Member of the House of Commons ever filled. Master Mattinson has spoken to you to-night of those who before me have sat upon the Woolsack. He has spoken of the illustrious Bacon, Bacon who loved this House, Bacon who never forgot it in the days of his supreme and radiant prosperity, Bacon who, in the moment of his agony, crept here like a wounded animal to die, among those who, in spite of everything, loved and indeed worshipped him. Master Mattinson spoke

also of Lord Brougham. I was left in some slight doubt as to the comparison which it was the object of our worthy colleague to establish in mentioning my poor name side by side with the names of those illustrious men. I am trying, as I always do, to look at these things in a detached way, and I am perhaps able to make an observation which is not disfigured by too much egotism. I think perhaps I have the advantage—it is the only advantage I claim—over the great Bacon, that I excel him in levity. I think in relation to Brougham that I may perhaps claim that I excel him in gravity. I desire to push neither comparison further.

We in this Inn are not likely to forget that he of the greatest brain which has ever been directed to jurisprudence, Bacon, proceeded from this House. There have been other great lawyers, great masters of the science of jurisprudence—a science which, among the giants, claims the highest qualities of the human brain—but never in my humble judgment has there been a man of law who attained so sublime a standard of intellectual quality in every department of human learning and science as Bacon.

Master Mattinson has spoken of old days. In recent years, we have been accustomed to address, not Mr. Senior, but Mr. Junior.[1] I know not which practice is more correct, but I know for many years it has been the habit to address Mr. Junior. To-night we are told we must address Mr. Senior. I remember twenty-three years ago, when I was an undergraduate at Oxford, attending my first dinner in this Hall. I sat at that table, about five from the end, with my back to the wall. I was a Junior on that occasion, and very shortly after the Benchers had left the Hall—I recall this easily, because, so far as I remember, it was the last occasion upon which I addressed Mr. Senior in this Hall—I was incited to make the following request of Mr. Senior.

[1] "Mr. Senior" is the senior barrister present in Hall, "Mr. Junior" the junior student.

The moment the Benchers withdrew, and at a period of the evening which I think was considered premature by those who at that time were responsible for the conduct and propriety of the Hall, I said: "Mr. Senior, may we smoke?" Mr. Senior, somewhat annoyed, said, "No, you may not." Unaccustomed to rebuffs of that kind, I rose and said, "Why not?" upon which, your predecessor, having no suitable repartee ready, wisely remained silent. We were not allowed to smoke for a period which, I believe, was quite unusually prolonged in punishment of what was regarded as audacity in those days.

This recollection, as I have said, is twenty-three years old, and it leads me to remind you of the circumstances under which I first became a member of this House; it is indeed extremely agreeable to me that I should allow my memory to linger over those days, because it enables me, long after his death, to pay a tribute to the prescience of my father, whose example contributed much to my life, and whose wise counsel I think I may truthfully say I very seldom neglected. He was a member of the Middle Temple, and I remember when I was a boy sixteen years old, he said to me: "If I were able now to take my decision as between the various Inns of Court, I should not join the Middle Temple; I should join Gray's Inn." I was then a schoolboy of sixteen, and he explained to me why if he were making his choice again he would have chosen Gray's Inn. He said: "If you judge the Institution by beauty, it is the most beautiful of all the Inns of Court. It is the most intimate of all the Inns—and it is the smallest. It enables a man who relies not upon patronage, but upon his own ability to win advancement most swiftly." I had the great misfortune to lose my father when I was seventeen years old, and it did not fall to me to take the final choice as to which Inn of Court I should join for four or five years, by which time I was an undergraduate at the University of Oxford. Influenced only

by the circumstance that it had been the advice of my father that I should join this House, I joined it, I suppose, about 1894, at a time when almost all my friends at Oxford were joining other Inns of Court.

I have always respected the wisdom of my father, but never, never did he give me more sagacious counsel, never did he give me counsel for which at this moment, nearly thirty years after his death, I thank him more than that which he gave me when he urged me to join this ancient House.

Every ancient institution is certain in its history to undergo vicissitudes. At some moments it is a very great and powerful House; at others, it seems that it has fallen into nerveless hands, that the traditions of the past have been forgotten, and that no personalities adorn it at the moment who afford promise of an illustrious future. Our House, like other human institutions, has not been protected from those periods of anxiety and doubt, and I am not, I hope, disloyal to this Institution when I say that the moment when I happened to join it was not the most prosperous in its history. I look round to-night. I look at this distinguished assembly and I remember that crowded as this Hall is to-night, it has been necessary to appeal to the poll in order to select the occupants of at least sixty seats amongst those who listen to me. I look round on this Bench and I say, among friends, small as we are in numbers there is no Inn of Court which at this moment possesses a Bench more distinguished or more representative than ours, or which has contributed more to the fortunes of this Empire in the five years that have passed.

Other Inns of Court are accustomed in their cups, and when no Gray's Inn men are present—I have seen these old men, before they make their vainglorious boasts, look round to see whether there is a Gray's Inn man present—to present extravagant and highly coloured pictures of the worthy societies which they see through such rosy glasses. At the Middle Temple they are

even accustomed, so I am informed, though they never publish these fantastic and mendacious declarations, nor do they allow reporters to be present when they are made, to claim that their Hall is older than ours, and I am told that they have even glibly averred that their table was made of timber which came from a Spanish galleon, whereas, in a hackneyed phrase, every school-girl knows that in fact it was this table standing above which I address you to-night, which was given as the planking of a Spanish galleon to this ancient House by a great benefactor—Queen Elizabeth of immortal memory—a Sovereign who dearly loved it, and honoured it by her frequent presence.

We know well that if we look at the history of this House it can afford to challenge comparison by all the criteria by which men judge of the greatness of any legal institution, with any other of the Inns of Court. It is not for me to make too much of one circumstance, except that I think I can state that which I wish to state without excessive egotism, because I am assisted by an accidental circumstance. It might easily happen that another Inn of Court might produce a Lord Chancellor. In fact, in recent days there have been quite a number of Lord Chancellors. But at least this is certain, that no other Inn of Court can now produce two Lord Chancellors at the same time, and I greatly doubt whether there has ever been a moment at which it was possible for one Inn to produce on one and the same occasion the only two Lord Chancellors there are in the world.

I may be allowed, I think, to add this—unless I have forgotten some of them, there are only five Lord Justices. Well, by a singular chance it happens that there are only four Inns of Court, and although the three other Inns of Court have each of them about three times as many members as we have, some, I believe, four—that is their own claim, neither admitted nor denied—although that is so, by a singular chance it happens that out of the five Lord Justices two come from this small

House. There being five Lord Justices to be distributed among four Inns of Court, if it were an early period of the evening, I would give you the precise mathematical calculation as to what in relation to our numbers we ought to be able to produce; but I merely say that there are four Inns of Court and we are the smallest of them all, and we have two. I think I need hardly remind you that of His Majesty's puisne judges, two of the most distinguished—one of old standing, Mr. Justice Lush, whose reputation as one of the most brilliant and persuasive advocates at the English Bar will not soon be forgotten by his contemporaries, and Mr. Justice Greer, for whose appointment I am glad to be responsible—are both members of this Society.

I am influenced by the mention of Mr. Justice Lush's name to refer to the days when not infrequently and much to my advantage he led me at the Bar, and am tempted to diverge into an estimate of the forensic qualities which led our friend, Mr. Justice Lush, to such extraordinary success. It is always a dangerous task to decide which of the qualities it is that lead any individual to forensic success, because, I suppose, there is none of us who has not said of such and such a man, "He is bound to succeed at the Bar," and after we have made most confidently such a prediction we almost always prove to be wrong, so uncertain and so incalculable are the rewards of the profession to which we belong or aspire to belong.

If I were to attempt to measure the forensic qualities which led Mr. Justice Lush to his acknowledged supremacy at the Bar of England—and I put on one side mere unimportant qualities such as a great knowledge of the law and great industry—I think that where the learned judge, if I may say so, always terrified me when I was his opponent was by his extraordinary and unmatched gift for tearful expression. If I was opposed to him, juries would say—you could almost hear them saying it—"Well, of course, F. E. Smith was the better advocate; he made much the better speech; his cross-

examination was far abler, and his knowledge of the law more profound; but at the same time, the moment Mr. Lush got up you could see how deeply his client had suffered." I only add, as I do with deep sincerity, that, if I have allowed myself to make an observation in a spirit of levity about the learned judge, I venture on your behalf and on my own to assure him that there is no man in this Hall to-night who was not proud of his great career as an advocate, and who is not proud of his position to-day on the Bench.

I have this to add. I think I have for twenty-five years been a member of this Society, and I say, with deep sincerity, in every one of those years I have grown to love it more, and it has grown to play a larger part in my life. It is very difficult to appraise emotions or to assign degrees in a man's affections. There are his family, his friends, and then there are institutions. My family and my friends are near and dear to me; but when I come to institutions, much as I love my own college at Oxford, I say quite plainly that I know no institution which has played so great a part in my life, and which has made so profound and lasting an appeal to my allegiance and my affections, as this House within whose walls we sit to-night.

I am persuaded, profoundly persuaded, of the destiny, worthy of its past, which awaits this Inn. We have had to struggle against every conceivable handicap to which any Inn could be exposed. Our critics have advised young men to go to other Inns, which advice young men are increasingly disinclined to take. Our critics are accustomed to say that Gray's Inn is in a backwater; that we are remote from the Law Courts, away from the libraries; that Chambers are of no use in Gray's Inn. All these are formidable disparagements in the eyes of any man who intends to select an Inn, and it is perhaps the most striking proof of the greatness and individuality of this Inn that against all those disadvantages it has maintained its character and

its individuality, and has developed its influence to a degree of which I say boldly in all its illustrious history that it has never equalled. I look forward to a future for this House even greater than its honoured past.

It is easy to find an argument founded upon pure materialism why a young man going to the Bar should choose Gray's Inn. Indeed, I can use a hundred against the suggestion that he should choose any other Inn. I say this in spite of its geographical inconveniences, in spite of its detachment, in spite of the fact that it lies in a backwater. I observe that in the last three months we have had more new members than at any similar period in the history of the Inn. I observe, too, that many of those new members are soldiers who are coming back from the War. Every week I have sent to me a list of the new members of this Society, and every week my feelings of pride grow when I realize of the new members who are coming to this Inn, that they will maintain and develop the greatness and tradition of this ancient House.

What is it that in face of those admitted inconveniences leads young men to come to this Inn ? I have no doubt as to the answer. I have no doubt that the very size of some of the other Inns of Court tends to foster an element of aloofness unfriendly to the esprit de corps without which no great institution can permanently flourish. We in this House have always clung to our corporate soul ; we have always realized—to a degree never throughout the centuries equalled or even approached by other Inns of Court—the fellowship and the intimate atmosphere of collegiate life. We have been, and we are, a band of brothers. This I know well, that barristers dine here, and students dine here under circumstances in which neither barristers nor students ever dream of dining at other Inns of Court, and they dine here because they know they will meet their contemporaries, because they know they will meet those who grew up with them, who looked on life

together with them through young eyes, in the days of its vernal spring. I drank to "The glorious immortal memory"* twenty-five years ago as they drink to-day. Shall I ever forget that I have drunk that toast within these historic walls? I am one of those who believe that this Inn will become the greatest of Inns. I understate the case. I am sure that we are the greatest Inn. We are incomparably the most beautiful. There is an intimacy and charm about this House which other Inns never rivalled and never can rival.

Let us be sure of our own destinies. Let us make up our minds, each according to the measure of his capacity, to realize this assurance, and to confront the adventure of life with this elementary proposition, that a Gray's Inn man is better than any other man; how much better he is, of course, may be made the subject of a long discussion. But a Gray's Inn man is better than any other man, he always has been better, he always will be better.

Those whom I address inherit no mean kingdom. Younger men are listening. We have borne the burden of our day. We are entitled to say to you that we have borne it not unworthily. Some of us came here twenty years ago, some thirty, some fifty—our excellent acting Treasurer to-night was actually admitted a member of this Society five months before I was born!—and our part is nearly played. We have done it with all our hearts. We claim this boldly before you in the spirit of men who are entitled to say: Recognize what we have done. It is for you and your generation to take up the task which gradually, and in the necessity of things, must fall from our hands. It is for you to pursue the traditions which we have tried to understand and carry out. And if it be true that the result of our exertions has been to place the Benchers of this House, and the Barristers of this House, and the Students of

* The reference is to the Toast of the "Pious, Glorious and Immortal Memory of Good Queen Bess," always honoured in Hall on Grand Nights.

this House, in a position certainly of equality, perhaps even of ascendency—when the burden leaves us and our voices are still in death, it will fall to you to address yourselves to your task as men who love and reverence the Alma Mater as truly as we in our day loved and reverenced her.

IX

DIVORCE LAW REFORM

This speech was delivered in the House of Lords, on Wednesday, March 24, 1920, during the debate on the Second Reading of the Matrimonial Causes Bill.

My Lords,—I have to announce that Lord Muir Mackenzie has received a Petition, addressed to me, which he informs me is signed by one hundred thousand names, asking your Lordships to give a Second Reading to this Bill; and I am told by the noble Lord that the signatures to this Petition have been collected in the fortnight which has passed since this subject first engaged the attention of the House.

It is proper that I should make plain at the outset what is the attitude adopted by the Government in relation to this Bill. On this point their view is that, upon a subject which so much perplexes the consciences of individuals, it would not be proper that the Government should give such direction as is afforded by putting the Government Whips in charge of the Division. Therefore, all members of the Government in this House, and if the measure should so far proceed as to be considered in another place, in that place also, will be free to speak and to vote in accordance with their own views; but I think it right to add this—that if your Lordships think proper to give a Second Reading to the Bill and to pass it through all its stages in this

House, it will be evident that a new situation has been created. The resulting situation will be re-examined by the Government, and the conclusion reached by this House will, of course, be treated as a significant conclusion, and one which cannot be ignored when a decision is taken as to whether or not facilities can be found for the discussion of the Bill in the House of Commons.

On the last occasion on which this matter was discussed the House listened to a most interesting speech from Lord Gorell. He expressed to your Lordships his own view of the attitude which his distinguished father would have adopted had we enjoyed the advantage of his counsel and guidance in our discussions to-day. I should be the last man in the world to attempt to enter into any competition with the noble Lord as to the view which his father would have taken upon any private, or, indeed, upon any public, matter in which his opinions had not been placed upon deliberate record ; but, my Lords, I am bound to exercise the right of criticism and to claim freedom of opinion on matters on which the views of his distinguished father were placed on record in circumstances of the greatest formality.

The late Lord Gorell knew the situation perfectly well at the time when he made himself responsible for the Majority Report. He knew well that there was great opposition to the proposals which he recommended to the country. He knew that the Archbishop of York, who was his colleague on that Commission, held precisely the same views as those which the most rev. Primate indicated in debate a fortnight ago ; and, knowing all that, he placed on record his views upon this question in a form which I ask your Lordships, because they express in a penetrating form the underlying principles, to take here and to-day as the final and deliberate formulation of the views which Lord Gorell adopted. I select that paragraph from the Report,

in which, speaking on behalf of himself and of the majority of his colleagues, he declared—

"that divorce is not a disease but a remedy for a disease, that homes are not broken up by a court but by causes to which we have already sufficiently referred, and that the law should be such as would give relief where serious causes intervene, which are generally and properly recognized as leading to the break-up of married life. If a reasonable law, based upon human needs, be adopted, we think that the standard of morality will be raised and regard for the sanctity of marriage increased. Public opinion will be far more severe upon those who refuse to conform to a reasonable law than it is when that law is generally regarded (as we infer from the evidence) as too harsh, and as not meeting the necessities of life."

I find myself wholly unable to believe that the Judge who enunciated this conclusion, founding it upon the experiences of his whole life, and fully alive to the controversies which were as bitterly waged then as they are waged to day, could have hesitated had he been among us to-night. I, for one, do not believe that that strenuous and fearless mind would have recoiled, in the moment of action and of decision, from the conclusions which he presented to his countrymen in the document from which I have read the quotation.

I would add, my Lords, that I associate myself with what was said by Lord Buckmaster a fortnight ago, when he asked whether the authority of this Commission was to count for nothing. The Government of the day appointed as members of that Commission the ablest men of whom their experience suggested that they could contribute to a solution of this question. They bestowed upon its examination a degree of industry and capacity of which I say boldly that it has never been exceeded by any Commission appointed by any Government; and, by an overwhelming majority, they recommended the conclusions which are before your Lordships to-day. The Minority consisted of three—of the most rev. Prelate the Archbishop of York, who stated

with the greatest ability, and with as much plausibility as seemed possible, the view which the Minority Report placed upon record ; of Sir Lewis T. Dibdin, an ecclesiastical lawyer ; and of Sir William Anson, a man whom all of us admired and many of us, who knew him well, loved, but whose life had been perhaps a little secluded from some of the issues which to-day require decision at your Lordships' hands. Such was the Minority of that Commission.

I have to say this, speaking in the capacity which to-day I fill in this House. This Bill concerns two distinguishable topics. The first is indeed important, but it is relatively unimportant. It deals solely with the machinery which the Commission recommended. I do not find myself in agreement with those recommendations, and consequently if this Bill is given a Second Reading by your Lordships I shall take the responsibility of making alternative proposals to those of my noble and learned friend Lord Buckmaster.

I do not agree that the County Courts suggested are the best tribunals to decide these matters. I do not agree that the proposals as to Commissioners of Assize are well conceived ; still less do I agree with the proposal that the decisions of those suggested authorities shall not be treated as precedents.

I shall, if your Lordships give the Bill a Second Reading, put forward as the subject of discussion alternative proposals which, equally with the proposal of the Commission, will bring facilities for divorce within the reach of those who live in the provinces. But the proposals which I shall submit will remit the jurisdiction to the Judges of Assize who go on circuit, and I am happy to be able to inform your Lordships that the Judges of the High Court, with that public spirit which they never fail to show, are willing to undertake this great addition to their burdens if it be the desire of your Lordships that that course shall be adopted.

I deal no further at this stage with the machinery.

Of course the machinery, as I have said, is unimportant in relation to the other topics which require decision to-day. If the decision on principle is taken, and if the decision is confirmed by the House of Commons, suitable machinery will be devised by those who are responsible for such matters; and I should therefore be, I think, in error if I took up further time in discussing that which is subordinate.

I come now to what in my view are the fundamental points upon this question; and speaking for myself as an individual Minister, I say that upon the fundamental recommendations, without any qualification whatever, I accept the Report of the Majority, and the purport of the observations for which I ask the indulgence of the House to-night is to recommend the Report of the Majority of the Commission.

Here, my Lords, and at the outset, a very important analysis becomes necessary. The real controversy in this House to-day is what the real controversy has been at any given moment for three hundred and fifty years when divorce has been discussed in this House; and, if we strip away the rhetorical devices with which every one who has followed the history of this subject is familiar, it is between those who believe that marriage ought to be indissoluble for any reason and those who do not hold that belief. This is the only controversy on principle. You can create any number of controversies on points of detail, but the only controversy on principle is between those who, if they told you openly and plainly that which they thought and that which they would secure if they had the power, say that for no reason should matrimony, which is a sacrament, be dissolved, and those who do not share that view.

Let me take, for instance, the cases of my noble and learned friend Lord Phillimore, who intervened in the debate a fortnight ago, and of my noble and learned friend Lord Parmoor, who, I understand, intends to address your Lordships to-night. I know Lord

Phillimore's views even more clearly than I know Lord Parmoor's, because I had the advantage of hearing him express them a fortnight ago. If I do an injustice to the views of my noble and learned friend I will most expressly invite him to make them plain when he comes to address you. As I understand the views of those two noble and learned Lords—I did not quite gather what was the view of the most rev. Prelate the Archbishop of York on this point—I have no doubt that both of them, if at this moment they had the power to turn the clock back, would restore the law to the condition in which it was over three hundred years ago, and would enact that on no ground whatever should marriage be dissolved.

I have this observation to make upon their attitude and upon the attitude of those who share their views. They are unsafe guides in this question. They, and those who think with them, have been driven out of the adultery entrenchment partly by St. Matthew and partly by the invincible determination, not of the Church in this country, but of the laymen of this country, as asserted for a period of more than three hundred years. I have this criticism to make, that he who is against every ground for divorce becomes a special pleader when he argues on individual merits against a particular ground of divorce. He is surely an unsafe counsellor when he begins an examination and a dissection of grounds put forward in an individual case by saying: "I am against any ground." He says, in effect: "You cannot state any conceivable ground which I will not oppose, and yet when you state six or seven grounds I pretend to examine each of those in relation to the individual merits of the proposal."

In my view the history of the matter has very great importance. The Act of 1857, far too late in my opinion, removed a jurisdiction from the Ecclesiastical Courts which—I say it with all respect—they were ill-fitted to discharge. Their view was that marriage was and ought

to be indissoluble. *Naturam expellas furca, tamen usque recurret.* The Ecclesiastical Courts themselves, who laid down this doctrine with every circumstance of canonical formality, prayed in aid a number of fictions under the head of nullity which were comparable to the chicanery which disfigures our law to-day. I pass by the conjugal eccentricities of Henry VIII with the observation that they met with a good deal of indulgence from the ecclesiastics of that day, and I come to the latter part of the seventeenth century.

Towards the end of the seventeenth century it was recognized that, by the procedure of a private Act of Parliament, divorce ought to be obtainable on the ground of adultery. It is hardly necessary to say, having regard to the age with which I am now dealing, that this was a method of relief which was open to the rich and open to the rich alone ; and it is a great reproach to our institutions over so long a period of time that, when once it was recognized that divorce ought to be conceded on the ground of adultery, a dividing line should have been drawn between rich and poor. One method, and one method only, was recognized ; and that was a method which was open only to the rich, and which by universal admission repelled the poor. But so it was.

The principle from that moment disappeared. The principle that marriage was and ought to be indissoluble was exorcised with almost universal approval from our institutions three hundred and fifty years ago. We therefore to-day approach it upon the basis that marriage is not, and ought not to be, treated as being indissoluble ; and I say—I hope without giving offence—that those who take and who attempt to advocate the other view do not live in this world ; their arguments are the whisperings of the abandoned superstitions of the Middle Ages.

I assume, and I think I am entitled to do so, that ninety per cent. of your Lordships who listen to me to-night, ninety per cent., I believe, of those who are

members of the House of Commons, and I think as large a proportion of the total population of these Islands, are agreed that upon some grounds (and I will discuss in a moment what those grounds should be) marriage ought not to be indissoluble. That means—and let us never forget this—the definitive rejection of the ecclesiastical view. When once that conclusion is reached, on what other principle must we proceed ? The Commission indicated the principle. I accept it. I recommend it to the consideration of the House. They laid it down that marriage ought to be dissoluble upon any grounds which had frustrated what by universal admission are the fundamental purposes of marriage.

I have said that I accept the principle. But this has never been fundamentally the ecclesiastical case. Their case has been one which (I hope I may say without offence) has been adopted under the influence of an almost unconscious opportunism—the case, namely, that although marriage is not otherwise dissoluble it may nevertheless be dissolved in cases where adultery has been committed. I, my Lords, can only express my amazement that men of experience, men of affairs, men whose opinions and experience we respect should have concentrated upon adultery as the one circumstance which ought to afford relief from the marriage tie.

Adultery is a breach of the carnal implications of marriage. Insistence upon the duties of continence and chastity is important. It is vitally important to society. But I have always taken the view that that aspect of marriage was exaggerated, and somewhat crudely exaggerated in the Marriage Service. I am concerned to-day to make this point, by which I will stand or fall—that the spiritual and moral sides of marriage are incomparably more important than the physical side.

This question is fundamental, and I invite your Lordships to consider it with the greatest earnestness. It seems indeed to me that there can be no doubt as to

which is the higher and the more important side of marriage. If you think of all that marriage represents to most of us—the memories of the world's adventure faced together in youth so heedlessly and yet so confidently, the tender comradeship, the sweet association of parenthood, how much more these count than the bond which nature in its ingenious telepathy has contrived to secure and render agreeable the perpetuation of the species.

I do not know whether there is one in this House who would be bold enough to say that the physical side of marriage is the highest. I greatly doubt it. I do not think that the most rev. Primate the Archbishop of Canterbury, who, I believe, is to follow me in this debate, would for one moment lend the great weight of his authority to the position that the physical side of marriage is the highest. And yet be this observed, that those who oppose this Bill must say so, and for this reason : if they agree that the physical side of marriage is not the highest, they are committed to a monstrous and mediæval paradox. They assent to divorce for a breach of the less important obligation, and they deny divorce for a breach of the more important obligations of marriage. I conceive this to be an insult to the spiritual and sacramental conception of marriage, and it is just because I place other elements in the married state far, far higher than I place the physical relationship that I make this fundamental in my argument, and I specially desire that any answer to my argument may deal with this point, that a breach of that which is highest must be treated by the State as not less grave than a breach of that which is lower.

With these words of preface I come to the grounds which it was suggested by the Majority of the Commission should be made grounds upon which, in addition to the case founded upon adultery, divorce may be conceded.

The first of those, as your Lordships know, is wilful

desertion for three years. I pause here to ask particularly of any noble Lords who take the other view, whether or not they conceive that it is a graver violation of the obligations of marriage that a man or woman should wilfully desert his wife or her husband for three years, defying every obligation to which he or she has solemnly sworn in the Marriage Service, than that he or she should yield to one fleeting, physical temptation. Consider the consequence of this desertion and apply it —because the case is more moving, and therefore more suitable for my immediate argumentative case—apply it to the case of a deserted woman, and examine that case, immensely increased as it is in range and importance by the experience of the war, in relation to the thousands of women who married soldiers from overseas during the war, and who have been deserted by those husbands since the war broke out.

They have no means of tracing their husbands. If they were rich women the whole machinery and resources of the law would be open to them. If a woman of wealth and position had married any man who, a month after the marriage, had abandoned her, she would be able without any difficulty at all to discover his whereabouts. She can discover and can prove that he has committed that adultery which, coupled with the desertion, would give her relief.

What is the remedy open to a poor woman who, perhaps, when she married gave up the pitiful pursuit by which she made her living until her marriage and, relying on that marriage, is left penniless, and is left for the whole of her life, unable to identify her husband, unable to obtain the slightest relief from the law? She is neither wife nor widow; she has a cold hearthstone; she has fatherless children for the rest of her life. There are thousands and tens of thousands of people who at this moment are in this very position. I know that it is not the intention of those who propose this Bill to encourage adultery. But, knowing this, I marvel at their attitude.

In the cases which have come to me within the last fortnight, if I had time to deal with them I could give your Lordships particulars which would bring tears to your eyes. What is a young woman of twenty-two to do who is left for the rest of her life with no hope of alleviation in the future, with a fugitive husband whom she never can identify, while the law says to her plainly, finally, and brutally : We will do nothing for you ? It is said : " You have open to you judicial separation." I think it is a mordant irony that the Church should have found itself impelled to support a state of affairs which really means this, that in every one of these cases the only alternative to the proposals of this Bill is a state of judicial separation. Choosing my words advisedly, and being prepared with chapter and verse of a hundred cases even at the date when the Royal Commission reported, and in a thousand cases since, I say that I can prove that this state of judicial separation—admittedly the only alternative—is a hot-bed of vice.

We are told that such a woman as I have described is to remain chaste. I have only to observe that for two thousand years, to take the chronology of Christendom alone, human nature has resisted in the warmth of youth these cold admonitions of the cloisters ; and I for one take leave to say, with all reverence, that I do not believe that the Supreme Being has set human nature a standard which two thousand years of Christian experience has shown that human nature, in its exuberant prime, cannot support.

What universally happens ? What happens in case after case reported upon by the Commission ? Do not at least let us delude ourselves ; let us face the facts. I will tell your Lordships what it means, and I challenge contradiction on this point. It means that new connections are formed ; it means that, in the overwhelming majority of the cases, the man or the woman who is deserted in the circumstances described enters into adulterous relations with others. In some cases the

moral declension and the succession of adulterous relations which one would expect follows; in other cases a monogamous union is formed, which, of course, is of an adulterous character, but in which the parties remain faithful to one another. Now, I ask those who oppose this Bill, and who support by doing so this state of affairs, whether they are quite sure that the Legislature is not to-day responsible for all these adulterous unions and for all the consequences of these adulterous unions?

Observe one consequence which every one realizes. Many of these persons have feelings of a great and very laudable dislike to bringing into the world illegitimate children. What is the result? Let it be plainly stated; because these matters cannot be too plainly stated. There are thousands of English men and English women at this moment, in the prime of their lives, who ought to be contributing to the child-strength of the Empire at a moment when the very future of the Empire may depend upon the sufficiency of a virile population. These people are condemned to sterilize their union because they will not bring into the world illegitimate children under the system under which the Legislature has condemned them to live. If this alone were the argument which was presented under this head it would at least be a formidable one. Those thousands of people now living their lives in circumstances in which they see no gleam of hope come to-day before your Lordships to ask for mercy and for justice.

When we were told by the Archbishop of York a fortnight ago that great mischiefs may follow upon the proposals contained in this Bill, I demand, and I have a right to demand, that we shall have it precisely explained, first, what those mischiefs are, and, second, whether it is maintained that they are greater than the mischiefs which we see around us to-day.

The question is a comparative one. We are not formulating or dealing with a new heaven; we are

dealing with an old world in which horrible sufferings are proceeding before our eyes. We must compare these things and make a balance; and I say plainly that I reject utterly the prediction—with the most profound respect, but nevertheless utterly—made by the Archbishop of York. I am astonished that he should not have felt it necessary in his speech to deal with the case of Scotland, desiring, as he did, to persuade your Lordships that if this system was brought in—if, in other words, relief were given in the case of desertion for a period of three years—those mischiefs which he predicted would follow.

The Archbishop of York was fully aware of the evidence from Scotland. It was produced before the Commission; it was examined; it was analysed. In the year 1573 Scotland adopted in the main the system which I am recommending to your Lordships to-night. If those mischiefs which we are told will follow upon this system are to arise in this country, how is it that they have never arisen in Scotland?

This matter was dealt with most elaborately. Evidence was given by a very distinguished Scottish Judge upon this—Lord Salvesen—and no one could have a greater acquaintance with this subject or could have spoken with greater authority. This is a summary of his evidence—

"The number of decrees of divorce, granted in Scotland for adultery from 1898–1908 and for desertion during that period respectively, are given by Lord Salvesen, from which it appears that the total number of decrees for desertion is less than the total number of decrees for adultery. Lord Salvesen says that, relatively to the population, there has been a decrease in the aforesaid ten years. There appears to be nothing in these tables to justify the fears of those who fear the effect of divorce being granted for desertion. On the contrary, while these decrees on the ground of desertion have no doubt remedied very serious grievances, no abuse of this right appears to exist, nor does there seem any reason to suppose that any abuse of it would be found in England."

That is the evidence of a Scottish Judge of the greatest experience, who lived the whole of his life under that system which the Majority of this Commission recommended for the adoption of this country. And I am at least entitled to say that those who oppose these proposals ought to give some reason why there is such a fundamental difference on sexual and social matters between the Scottish nation and the English nation, that proposals which have not produced the mischiefs which they predict in the case of Scotland should produce them in the case of England. I think the *onus* is on those who oppose. I say no more on the question of desertion.

I come to, and will deal briefly with, the issue of cruelty. Here again I must economize what I have to say, because the subject is long, and therefore I select two cases which are illustrative. I take the first case, most abundantly vouched for by illustrations in this volume, in which it is admitted that the wife cannot go on living with her husband without running a risk to limb and life ; in which, in other words, the proved and savage violence of the husband is such as to make every moment which she lived with him dangerous to her health and life. And I have taken as the second case, the case of a husband who has, knowingly or negligently, given venereal disease to his wife.

I suppose there is nobody listening to me who would be bold enough to claim that the wife ought to go on cohabiting with her husband. Suppose she does not cohabit with him, suppose she accepts what I anticipate will be your Lordships' view that she ought not to go on cohabiting with him, what does that mean ? It means that a woman, possibly just married, has to embark upon a life in which she lives alone, under every conceivable temptation, and with no one to protect her.

As to the consequences of that, I would ask your Lordships to listen with deep attention to a passage,

quoted with warm approval in the Majority Report, with reference to judicial separation—

"This proceeding, neither dissolving the marriage, nor reconciling the parties, nor yet changing their natures; having, at least, no direct sanction from Scripture; characterized by Lord Stowell as casting them out 'in the undefined and dangerous characters of a wife without a husband, and a husband without a wife'; by Judge Swift" (an American judge) "as 'placing them in a situation where there is an irresistible temptation to the commission of adultery, unless they possess more frigidity or more virtue than usually falls to the share of human beings'; by Mr. Bancroft" (the historian of the United States) "as punishing 'the innocent more than the guilty'; by an English writer" (Macqueen), "as 'a sort of insult, rather than satisfaction, to any man of ordinary feelings and understanding,'—is, while destitute of justice, one of the most corrupting devices ever imposed by serious natures on blindness and credulity. It was tolerated only because men believed, as a part of their religion, that dissolution would be an offence against God; whence the slope was easy toward any compromise with good sense; and as the fruit of compromise we have this ill-begotten monster of divorce *a mensa et thoro*, made up of pious doctrine and worldly stupidity."

Yet that is all that is offered in such a case as I have supposed.

The most rev. Prelate the Archbishop of York said that it was very difficult to define cruelty. Let me assure the most rev. Prelate that while all definitions are difficult, there is no definition which it exceeds the resource and ingenuity of the law to make; and, if it be the policy of Parliament where a case of cruelty of th kind which I have described is established, that that circumstance shall constitute a ground of divorce, I assure your Lordships that we shall find no difficulty whatever in formulating a definition that will be sufficiently lucid for the guidance of the Court.

I would add this for the reassurance of the Archbishop, if I may, that the conception of cruelty will be examined much more closely by the Law Courts when we are divorced from our present unreal system of law. When

cruelty is a substantive ground, instead of being a part of the most deplorable circumstances under which escape is sought to-day, the Judges, in my opinion, will apply their minds to its definition and elucidation under circumstances which will be incredibly easier.

Now I come to the next ground, which deals with the case of incurable insanity—the case of a lunatic who for five years has been in confinement under the Lunacy Law. That case affects almost forty thousand people. In other words, there are living in these islands, our fellow-subjects, nearly forty thousand people who find themselves at this moment tied to lunatics, of whom in almost every case it must be pronounced that they are incurable. The Archbishop of York asked your Lordships to say that with the advance of science it becomes almost impossible to say that some cure may not be discovered. I think that this consolation, to any person who has been tied by the bond of marriage to one who for five years has been certified insane, offers particularly cold comfort.

It is quite true, as the noble and learned Lord, Lord Buckmaster, and also, I think, the Archbishop, said, that in this case it is not the fault of the lunatic that his mind has been destroyed. But this distinction proceeds on an entirely fallacious basis. Decrees of divorce are not distributed on the basis of reward or of punishment. Divorce is granted in obedience to profound considerations of social policy, and whether the unsuitability for the obligations of marriage be moral, or physical, or mental, the consequences are and must be the same. In thousands of cases the lunatic has not the slightest conception that he is married at all, and the proposition is gravely put forward that a man or woman who is married to a spouse who has been seized by this melancholy and incurable infliction to such an extent that the man or woman is utterly unconscious of the fact that he or she possesses a spouse, must nevertheless remain tied to him or her for life.

One tragic case is within the knowledge of all your Lordships. I mention no names, nor should I have even mentioned the case, had not the noble Lord affected made it public in the Courts. But there was the case of the bridegroom who discovered, I think at the church door, that his wife was mentally affected. Some twenty or thirty years ago that discovery was made. The whole happiness of his life was wrecked and irretrievably destroyed, and the promise of a noble house was extinguished for ever. One day I suspect men will wonder how we sustained for so long a system so savage in its conception and so devastating in its consequences.

I shall say one word, and one word only, as to habitual drunkenness. Here it is proposed that after a separation order has been made for drunkenness, and where drunkenness is continued for three years after the separation order, it should be made a ground for divorce. I will ask your Lordships to consider what the Commission said upon that point. They said—

"It seems probable from the evidence given before us that habitual drunkenness produces as much, if not more, misery for the sober partner and the children of a marriage, as any other cause in the list of grave causes. Such inebriety carries with it loss of interest in surroundings, loss of self-respect, neglect of duty, personal uncleanliness, neglect of children, violence, delusions of suspicion, a tendency to indecent behaviour, and a general state which makes companionship impossible. This applies to both sexes, but in the case of a drunken husband the physical pain of brute force is often added to the mental and moral injury he inflicts upon his wife; moreover, by neglect of business and wanton expenditure, he has power to reduce himself and those dependent upon him to penury. In the case of a drunken wife neglect of home duties and the care of the children, waste of means, pawning and selling possessions, and many attendant evils, produce a most deplorable state of things. In both cases the ruin of the children can be traced to the evil parental example."

See what that means. It means that where two people marry—such things, in their most aggravated form, occur

in every strata of society—they marry very frequently, in the phrase of Bentham, as " children blinded by love " ; and then there comes disillusionment, when the woman or the man finds that she or he has married one who is in fact by reason of uncurable drunkenness an unsexed beast. Society and the Church say : " Get your separation order, and having got your separation order live for three years alone, support yourself if you cannot get support from him " ; and, having undergone these three years of harrowing experience, then they say : " You shall have no further relief, but for all your life you shall be tied to such a man."

Those who have spoken in opposition to the present proposal say, with the best motives but with malignant results : " We deny you any hope in this world. Though an honest man loves you, sin shall be the price of your union, and bastardy shall be the fate of your children." I cannot and I do not believe that society, as it is at present constituted, will for long acquiesce in a conclusion so merciless.

One cause only remains—the cause of imprisonment under a commuted death sentence. In the year 1910 there were one hundred and thirteen cases of those who were imprisoned for life, subject to relaxation under a commuted death sentence ; and it would be reasonable to assume that of those one hundred and thirteen cases seventy-five were married. The most rev. Prelate, in dealing with this cause, said he did not examine it because it was a case that did not very frequently arise. I should have thought it was hardly right to count heads in a matter of right and wrong. What does the State say to the spouses of those who have committed capital offences and who are imprisoned for the rest of their lives ? The State is to say, apparently : " True, your spouse committed an offence which caused him to be sentenced on the capital charge. True it is only by the indulgence of the State, which has commuted that capital charge, that you are not discharged from the obligations of

matrimony and free to marry again. But, after all, there are so few of you that we do not think it necessary to make any change." Justice, I profoundly believe, is not to be measured in any such detestable scales.

Then there is the case of the children. It is said that those who advocate these changes ignore the case of the children. If we ignored the case of the children, which, though not quite the highest consideration, is almost the highest consideration, we should indeed not be deserving of the support of Parliament in these measures. But it is ludicrously untrue to say that our proposals ignore the case of the children. I say boldly on the other hand that the case of the children is the strongest part of our proposals; and if you compare their state under the system which exists before our eyes to-day, and the state of the children as it would be if these proposals were accepted, no reasonable man could doubt as to where the balance of advantage lies.

Under this proposal we shall remove the children from contact with the spouse who from moral or physical taint is unfit to sustain the obligations of marriage. Their plastic and impressionable minds will be withdrawn from squalor and immorality, from drunkenness and crime, and afforded a chance at least of happy homes and useful citizenship. Who would dare to maintain that it is good for a child to live in a house in which its mother spends a life of open adultery and in which its brothers and sisters, if such are born, must be named bastards? Such surroundings are to be found in thousands of houses all over the country to-day. And when we talk of the fate of the children under our proposals, let us not forget what is their fate to-day.

I have said at somewhat undue length all that is in my power to influence your Lordships in a decision which I regard as momentous in the social development of this country. Your Lordships have undertaken the burden of examining this question at a moment when it may be that the initiative, having regard to its commitments

in another direction, could not have been taken in another place. It may well be, if your Lordships send down this Bill, that in another place it will meet with a volume of support which will at long last remove this great blot from our civilization. I would most earnestly implore your Lordships to be the pioneers in this great reform ; and if it should prove so to be, I believe that daily and nightly your Lordships' name will be breathed with unspeakable gratitude by thousands of the most unhappy of your fellow-subjects, and, I am sure of this, that by generations yet to be you will be acclaimed for the wisdom and humanity of the decision taken to-night.

X

THE IRISH TREATY

Lord Birkenhead moved the Second Reading of the Government of Ireland Bill in the House of Lords on November 23, 1920, with this speech.

My Lords,—After nearly thirty years of public life I cannot recall an occasion which has afforded me more anxiety than the task which I have undertaken to-day. I should be blind indeed if I ignored the atmosphere of emotion and indignation in which all of us at this moment must approach the consideration of this question ; and it will be necessary for us later to ask ourselves, as we frequently had to ask ourselves during the late war, the difficult question, " What is the true perspective which must be assigned to the appalling crimes to which the attention of the country was directed yesterday ? "

It has occurred to me that in the first place, before I attempt to address myself to the arguments which deservedly require the consideration of the House, I might perhaps render a useful service by attempting to make it plain what are the actual proposals contained in the Bill now before the House.

The proposals of the Bill can be classified under three heads—legislature, executive, and finance. I will deal in the first place with the legislative proposals. A Parliament is set up for Southern Ireland, consisting of His Majesty and the House of Commons of Southern Ireland ; and a second Parliament is set up for Northern

Ireland, consisting of His Majesty and the House of Commons of Northern Ireland.

Northern Ireland under the proposals of the Bill means the six counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, together with the boroughs of Belfast and Londonderry; Southern Ireland means the rest of Ireland. Each Parliament is empowered to make laws for the order and good government of its area, except certain matters which are expressly identical with the matters that were excluded from the Parliament of all Ireland under the Act of 1914, save that submarine cables, wireless telegraphs, aerial navigation, and negotiable instruments appear for the first time in the present Bill.

The matters that are excluded fall into two main groups. The first group comprises the Crown, the making of peace or war, combatant forces, treaties and foreign relations; and as regards these it may be noted that the Irish Convention acquiesced in the exclusion of the Crown and the making of war and peace, qualified the exclusion of the combatant forces by a suggestion that the Irish Government should arrange with the Imperial authorities for a local defence force to be raised and paid for by the Irish Government, and qualified the exclusion of treaties and foreign relations by recommending provisionally, that Ireland should have power similar to the Dominions in respect of commercial treaties.

In the second group the main exclusion is trade with any place out of the part of Ireland within their jurisdiction. This really turns upon the exclusion of the power to impose duties of Customs and Excise. I shall have more to say upon this point when I approach some alternative proposals which will require discussion. The other exclusions in this group—navigation, merchant shipping, lighthouses, buoys and beacons, quarantine, coinage, legal tender, standard of weights and measures, trade marks, designs, merchandise marks, copyright or

patent rights—are matters as regards which a uniform system throughout the United Kingdom, and in the case of merchant shipping throughout the Empire, is obviously of the highest moment for national and Imperial purposes.

In addition to the above exclusions, certain taxes are excluded from the powers of the Irish Parliaments, and I will say a word about them when I deal with the financial proposals of the Bill. Certain other matters are reserved, not permanently but temporarily. Instances of such temporary exclusions are the postal service, the Post Office Savings Bank, trustee savings banks, designs for stamps, and the Public Record Office of Ireland. These are reserved until the date of Irish union, and are then to pass to the United Irish Parliaments. But the two Parliaments are given power to pass identical Acts to transfer these matters to the Council of Ireland prior to union or to continue the reservation after union.

The justification—the complete justification—of this reservation is that it would be impracticable to divide these matters between Southern Ireland and Northern Ireland. If I may remind your Lordships who were concerned with the proposals of 1914, the postal service and Post Office Savings Bank were reserved under that Act until the Irish Parliament had passed a resolution to take them over.

Land Purchase is also reserved, as it was reserved under the Act of 1914, for the evident reason that the completion of land purchase is an Imperial obligation and can only be effected by money raised on the Imperial credit. Your Lordships will have observed that proposals for the completion of Land Purchase will shortly be laid before the House of Commons, and in due course will make their way to this House. The two Irish Police Forces—the Royal Irish Constabulary and the Dublin Metropolitan Police—are reserved until such date as His Majesty in Council may determine, not being later

than three years after the appointed day, and upon that date the police forces are transferred to the two Parliaments. Under the Act of 1914 your Lordships may recall that the Constabulary was reserved for a period of six years.

No one will contend that the establishment of separate Parliaments for Southern and Northern Ireland is an ideal arrangement. It is dictated by the condition of the present situation, which is believed to be fundamental. If smooth administration and economy were alone to be considered it would be infinitely preferable that there should be a single Parliament and a single Executive for the whole of Ireland. This Bill, therefore, while it complies with the conditions which I have assumed to be fundamental, recognizes the possibility of a United Ireland, and supplies a simple and effective means by which union can be brought about by the two Parliaments.

With this object in view—I shall have something more argumentative, as is necessary, to say upon this point later—the Bill sets up a Council of Ireland, which is to consist of forty-one members, twenty appointed by each House of Commons, and a President appointed by His Majesty. Of the twenty representatives of each House of Commons ten must be members of the appointing House, but the remainder may, if the House thinks fit, be non-members. The reason for the establishment of the Council cannot be better expressed than in the terms which are used in the Bill itself—

"With a view to the eventual establishment of a Parliament for the whole of Ireland, and to bringing about harmonious action between the Parliaments and Governments of Southern Ireland and Northern Ireland, and to the promotion of mutual intercourse and uniformity in relation to matters affecting the whole of Ireland, and to providing for the administration of services which the two Parliaments mutually agree should be administered uniformly throughout the whole of Ireland, or which by virtue of this Act are to be so administered, there shall be constituted the Council of Ireland."

Under the provisions of the Bill the Council has to consider any questions which may appear in any way to bear on the welfare of both parts of Ireland, and in particular it is to consider what Irish services should, in the common interest, be administered by a body having jurisdiction over the whole of Ireland, and it has to make recommendations to the two Parliaments for the transfer of such services to the Council. The two Parliaments are also authorized to delegate to the Council, by identical Acts, any of their powers.

The first duty of the Council is to frame a scheme for the establishment of Second Chambers to the two Parliaments, and to submit a scheme to the two Houses of Commons for their consideration. Much will inevitably be said in the course of these debates on the subject of the provisions for the Second Chambers. Let me indicate at this stage, briefly, that the main object of the Second Chambers must be the protection of minorities in the respective parts of Ireland. It is very difficult to see how adequate protection can be afforded unless by Second Chambers constituted on very special lines. The difficulties are almost insuperable—I believe them to be insuperable, and the Government at least has become convinced that they are insuperable—of imposing a Second Chamber on either of these Parliaments from without, but having regard to the fact that the majority in Southern Ireland is closely connected by religion and sentiment with the minority in Northern Ireland and *vice versa*, it might, one would hope, be anticipated that the representatives of the two Parliaments, meeting together in the Council, may devise a scheme of Second Chambers that the two Parliaments, inspired by an interest which after all is mutual, would adopt, which would give reciprocal protection for the respective minorities. Should the two Parliaments feel the wisdom of delegating some of their powers and services to the Council, this would be the first step

towards union which might be, and it is hoped would be, followed by greater delegation and ultimately by the recognition of the great advantage of a United Parliament. That contingency is expressly provided for in the Bill, which authorizes the two Parliaments to establish, by identical Acts, a Parliament for the whole of Ireland in lieu of the Council.

In addition to these advisory functions, which it is freely conceded are functions only to be contingently exercised, legislative and administrative powers with regard to railways and fisheries are vested in the Council in the beginning, with a view to the uniform administration throughout Ireland of the public services in connection therewith. The Council is also vested with legislative functions as regards Private Bills affecting all interests, both in Southern and Northern Ireland. Those who are aware of the small progress which proposals in relation to private legislation have made in the cases of Scotland and Ireland up to the present day will not be disposed to disparage the importance of these functions.

It is necessary now that I should address myself to the contingency of either part of Ireland not accepting this Bill. This contingency is foreseen by Clause 70, which provides, in effect, that if the number of persons validly returned to the House of Commons in Southern Ireland or Northern Ireland at the first election is less than one half the total number, or if less than one half the total number take the Oath within fourteen days after the date of the first meeting, then His Majesty in Council may provide for the dissolution of the Parliament concerned and for the postponement of the summoning of a new Parliament, and may also provide for the government of that part of Ireland being carried on by the Lord Lieutenant with the assistance of a Committee of Irish Privy Councillors appointed by His Majesty, whilst the powers of the Parliament are to be exercised by a Legislative Assembly comprising the

members of this Committee and such other members as His Majesty may appoint.

In plain words, this is a substitution of Crown Colony Government for the Representative Government proposed by the Bill.

A question which has been asked, and which will continue to be asked, is whether either part of Ireland will refuse to work the Bill, and the test of acceptance of the Bill which this clause applies is that the population either does or does not elect to their House of Commons an adequate number of members to serve in the Constitutional Parliament of which His Majesty is the head. If such a number are validly elected and are willing to take the oath of allegiance as members, the required condition is satisfied.

At present seventy of the Irish Members are pledged to an Irish Republic and nothing else, and obviously, unless the views of the electors have changed before the first election to the separate House of Commons, the condition will not be satisfied and Crown Colony government will supervene. In the meantime this Bill, with its offer of a representative Parliament and responsible government, presents an alternative to the electorate. The suspension of constitutional government under the clause is not necessarily permanent. It will be open to His Majesty at any time, by Order in Council, to summon afresh the Parliament of that part of Ireland concerned, if and when it appears that there is reasonable prospect that the Parliament would be accepted.

I will now say a word as to the representation in the United Kingdom House of Commons and the Houses of Commons of Ireland. Under the Bill, Ireland's representation in the United Kingdom House of Commons is to be continued, but the numbers are to be reduced from one hundred and five to forty-six. In the Bill, as introduced, the number was forty-two, but an Amendment was carried in the House of Commons, and accepted by the Government, giving representation

to the Universities. Forty-two borough and county Members are distributed among existing Parliamentary constituencies as nearly as may be according to population.

On a strict population basis Ireland's representation in the United Kingdom House of Commons would be sixty-nine, and the number of forty-six does not pretend to have been determined upon any very logical principle. Any in-and-out arrangement, as the experience of those who have attempted to frame Home Rule Bills shows, is impossible, and in order to compensate for the fact that the interests of Irish Members in matters dealt with by the House of Commons cannot under the new arrangements be as wide as those of other Members of the House, it has been thought right not to give Ireland full representation upon a basis of population.

The House of Commons of Southern Ireland is to consist of one hundred and twenty-eight members, of whom four are to be returned by Dublin University and four by the National University, leaving one hundred and twenty county and borough Members. The House of Commons of Northern Ireland is to consist of fifty-two members, of whom four are to be returned by the Queen's University of Belfast, leaving forty-eight borough and county Members. The constituencies are the same in the case of the United Kingdom House of Commons and the Irish Houses of Commons, but four times as many members are to be returned to the Irish Houses as are to be returned to the United Kingdom House. The members of the Irish Houses are to be elected on the principle of proportional representation, and from this circumstance arises the necessity of large constituencies. Excluding the University constituencies, there will be an average of one Member for every 26,052 of the population of Southern Ireland, and one Member for every 26,164 of the population of Northern Ireland. The principle of proportional representation needs, I think, no recommendation to this House, and its application

to Ireland was expressly recommended by the Irish Convention.

I will add a word or two about the Executive. Following the precedent of all previous Home Rule Bills, the Executive under the present Bill is to be an executive under the Crown, consisting of Privy Councillors who are members of and responsible to the local Parliament. The powers of the Executive extend over the same field as the powers of Parliament, and no further. Under the present Bill, of course, there are to be two Executives corresponding to the two Parliaments.

I pass on to the financial provisions of the Bill. The limitations under which such matters are discussed in this House are familiar to all of us, and it would evidently be wrong that I should attempt a general explanation of its provisions and effect without making your Lordships as clearly aware as it is in my power to do of the effect and scope of the financial provisions of the Bill. It provides that each of the Parliaments of Northern and Southern Ireland shall have power to impose and collect taxes within their respective jurisdiction, other than Customs and Excise duties on articles manufactured and produced, Excess Profits Duty, Corporation Tax, Income Tax, and Super-Tax.

The taxes so excepted will continue to be levied and collected by the United Kingdom, and the proceeds of those taxes, after deduction of the Imperial contribution—to which I will refer in a moment—and the cost of reserved services, will be paid into the respective Exchequers of Southern and Northern Ireland, and will be appropriated in due course to the public service of these Governments. The Parliaments of Southern and Northern Ireland will have power to impose certain taxes which are transferred to them—namely, Death Duties, Stamp Duties, Licences and Entertainments Tax, and certain miscellaneous items, amounting altogether to £3,500,000. In addition, the local Parliaments will have power to impose taxes not substantially the same

in character as the taxes which are reserved to the Parliament of the United Kingdom.

Special powers have been granted to enable the local Parliaments to vary the rate of Income Tax and Super-Tax. They are entitled out of any surplus funds in their possession to grant rebates to Income Tax-payers who are both resident and domiciled in Ireland, or, on the other hand, they may charge a surtax in addition to Income Tax on such persons. The object of these provisions is to enable a variation to be made in the Income Tax and Super-Tax without disturbing the central collection of the Imperial Income Tax and Super-Tax. The central collection is of extreme importance both to the United Kingdom and to the Irish Parliaments, as any breaking up of the Imperial Income Tax and the granting of concurrent powers to the local Parliaments would not only cause the tax to be less fruitful but would lead very probably to a demand, which would not be assented to, for the abolition of the deduction of Income Tax at the source.

What is it that is actually conceded to Ireland ? Here, with the greatest respect, I address myself more particularly to those sponsors and supporters of the Act of 1914 of whom we are so fortunate as to have many influential representatives in this House. This Bill gives to the Irish people—gives to the Northern Parliament and to the Southern Parliament—powers for dealing with their own education, their own agriculture, their own land, their own labour, their own poor law, their own local government, their health, their railways, their liquor legislation, their legal arrangements, their old-age pensions, and the problems that relate to unemployment and health insurance. We offer under the terms of this Bill full powers in relation to those matters to the North of Ireland ; we offer the same powers to the South.

We have recognized plainly and frankly the special case of Ulster. The case of Ulster is the obstacle upon which, more than upon any other single cause, previous

proposals have broken and failed. It is well within the recollection of this House that after the 1914 Bill had pursued its tempestuous and controversial course a special Government of Ireland (Amendment) Bill, 1914, was introduced into this House—supported by the authors and parents of the 1914 Bill—a proposal which had no object except to recognize the special and exceptional circumstances in which the community of the district in Northern Ireland found itself.

In the last few years the matter has developed even further. Nothing would induce me, if I could avoid it —and I can avoid it—to say one provocative word at this anxious and fate-charged moment in regard to the stormy and bitter controversies which are still alive in the memories of every one of us. But I am bound in justification of these proposals, and every member of this House is bound by the responsibility of the vote which he will give upon this Bill, to take note of certain events which have occurred since the proposals of 1914, or the Act of 1914, last engaged the attention of this House.

In the first place, while Mr. Asquith was still Prime Minister, and while Lord Grey and Lord Crewe were still his colleagues, he declared in clear and eloquent language that no proposals to coerce the population of Ulster could be adopted or carried out by the Government of which he was the head. The present Prime Minister,[1] as is well known, is equally bound to the same view, and it is a view which has always commanded the support of an overwhelming majority in this House. It is a view which has been founded upon indisputable historic fact, upon differences which are as deep as the very differences between the population of Southern Ireland and ourselves—the very differences upon which the whole claim for self-government is founded by the South of Ireland.

When once you accept, as this House has so often

[1] Mr. Lloyd George.

accepted, the view that the case of Ulster is a case of a population overwhelmingly Protestant, in its main attributes resembling far more closely the population of Scotland than the population of the South of Ireland —when once that recognition is clearly and candidly made the framers of this or of any other Bill are confronted, in relation to Ulster, with two alternatives and with two alternatives only. They may either leave Ulster in its present position—that is to say, they may give Ulster no Parliament of its own, and allow the Ulster representatives as heretofore to come to the House of Commons in London—or they may adopt the course, which is adopted in this Bill, of giving a separate Parliament to Ulster, possessing functions comparable to those assigned to the Parliament in the South.

No one, I suppose, would dispute that, inasmuch as this is a concession which is almost universally deemed to be necessarily due to the static elements in the situation to which I have referred, and inasmuch as it is a modification which is made in favour of Ulster, the opinion of the Ulster representatives themselves upon this point must carry an overwhelming and, it may be, even a decisive weight.

We shall be told that eight months ago, or six months ago (I do not recall the precise period), the representatives of Ulster plainly expressed their preference for remaining as heretofore under the jurisdiction of the Imperial Parliament; and that eight months ago representatives of Ulster made it plain that, if it was left to them, of the two alternatives they would prefer to remain in their present constitutional position. As I read what is said and what is written by the leaders of the Ulster Party I have no doubt at all that they have profoundly changed the view which they then expressed. It is said that a community should not change its views on matters of principle which are fundamental in the short period of six or eight months. I venture to reply that we live in months which are crowded with great events, and that

no man and no community in these days can be charged with inconsistency if opinion in that time has undergone modification.

Let me make it plain to you what are the opinions upon this point of those who are entitled, by universal agreement, to speak on behalf of the population of Ulster. In the course of the Third Reading debate in the House of Commons the leader of the Ulster Party, Sir Edward Carson, said—

"Where will you get a better method of self-determination than this? Do you think it would be a better self-determination to say to the Irish people: 'You go by the majority and set up something that the people of the North of Ireland loathe and detest, and then, if they do not accept it, go and shoot them down.' Is that self-determination? No, Sir, this Bill sets up a procedure for a union and unity of the whole of Ireland, but it will be a real unity, and not a sham unity. In my belief no other scheme so statesmanlike, or so near to self-determination, which is so loosely defined, has ever yet been brought before this Parliament."

That was a statement made by Sir Edward Carson in the course of the debate. Since that speech was made I have received a letter, entirely unsolicited by myself, from Sir Edward Carson which I think it worth while to read to the House. It is in these terms—

"My dear Lord Chancellor,—With reference to the Government of Ireland Bill, which will be before the House of Lords next week, I observe that it is frequently stated that no one in Ireland wants the Bill passed into law. May I say with the full consent of all my colleagues from Ulster that this is a fallacy. It is quite true that we are all of opinion that to retain the Union is the soundest policy, but we recognize that under the existing circumstances, and especially having regard to the fact that the Act of 1914 is upon the Statute Book, it is not possible to secure that provision as it at present stands. Ulster wants peace, and above all things to be removed from the arena of party politics in the Imperial Parliament. We have agreed therefore, and have made up our minds, that in the interests of Ireland, Great Britain and the Empire the best and only solution of the question is to accept the present Bill and endeavour to work it loyally.

It is right that I should make plain to you, inasmuch as we are repeatedly told that nobody in Ireland wants this Bill, that the arrangements for establishing and working their Parliament and all the ancillary institutions which are involved in the establishment of that Parliament have reached a high degree of progress in Ulster at the present moment. There is at least one part of Ireland, homogeneous, commercially extremely important, very experienced in business affairs, which is prepared the moment this Bill becomes operative to show the whole world that Irishmen are capable of conducting their own affairs and that the powers and facilities received under this Bill are neither trivial nor illusory.

The attitude of Ulster is very intelligible. Think of the nightmare in which they have lived in the last fourteen years. Is it very unintelligible that they should be prepared to make an attempt with a proposal which at least gives them finality, that they should be prepared to show that the qualities of self-government are possessed by those who inhabit that part of the Empire ?

I pass from the case of Ulster to make some observations upon the powers we have given to the Central Council. I most boldly say that, intentionally or unintentionally, the greatest possible injustice has been done to the proposals which we made in relation to the Council. You may, if you choose, make alternative or larger proposals upon any of the main topics of the Bill, but do not ignore the importance of that which gives you for the first time the germinal principle out of which the whole union may grow. We have assigned immediately to the Council important functions in relation to a Second Chamber, to private business and to railways, and there is nothing that is not in the power of the Council at any moment it chooses, within a week, to propose with the object of establishing a closer union.

When we come to pass criticism upon this Bill and the points to which its clauses refer, let us at least not ignore

that for the first time we enable ourselves to show to the whole world by irrefutable testimony that the Irish question is an Irish question alone, and it is in the power of Irishmen to reach a complete solution to-morrow. Is that no gain on the position which in the face of the civilized world we have occupied until this moment? None of your Lordships is so callous as to what passes in other parts of the world as not to know that one of the principal causes of the dislike and distrust which are felt towards these Islands (in those parts of the world in which they are felt) is, by some obscure and, as I think, wholly indefensible feeling, that we the people of these Islands are wantonly, as Englishmen, denying to Irishmen that to which Irishmen are entitled.

Nothing more monstrously unfair to the people of England, Scotland, and Wales was ever conceived. There has not been a moment now for some years in which, as soon as Irishmen reached an agreement, Englishmen were not prepared to give them not only what is in this Bill, but more than is in this Bill. Here, within the paper of this Bill, we make it plain to the whole world that we have set up an authority which consists of Irishmen, and Irishmen alone, which if they can bridge over—and with discussion I hope they will succeed in bridging over—their controversies, may procure for them a degree of self-government which has exceeded what has been put forward by any great Irish leader or Nationalist until the claim for a separate Republic was made.

I am most deeply concerned that I should not evade any question that may properly be put to me by those who honestly entertain grave doubts as to the propriety and safety of these proposals. It is obvious at once that I shall be asked two questions which confront us. I shall be asked what is to happen supposing that the Sinn Fein representatives in Ireland decline to take any part in the election of the Southern Parliament. Suppose, for instance, the Bill becomes law and the Sinn Feiners

either refuse to take part in elections or, if they take part, adopt the course which they have adopted in relation to the present House of Commons and refuse to present themselves and take the Oath.

In the first instance, it may happen. I do not embark on prophecy ; the future is too uncertain. Supposing it does happen they will be governed, until they see that they have a better alternative, as a Crown Colony. That is the answer to the first question. And side by side with the knowledge that because of their own refusal to embrace the power which is being exercised at their very door by Ulster, side by side with the men who at the moment dominate that situation and procure that result, there will be dozens and hundreds and thousands of Irishmen whose influence, as I believe, will make itself increasingly felt in the sense of showing that it is the acme of madness to prefer to be governed as a Crown Colony rather than take the powers which, at their very door, are being exercised by Ulster, and the golden bridge which is afforded to them by the existence of this opportunity.

Another school of questioners will ask me this. Supposing that the Sinn Feiners, or the majority in Ireland, fraudulently affect to become members of the Parliament which is conceived by this Bill. Supposing, in other words, that they are elected, and that thereupon they come and take the Oath, and having taken the Oath and having been elected they proceed to declare a Republic, or to violate the Oath that they have taken.

That is a formidable question, and it requires to be faced. I say in the first place, for what it is worth—and other noble Lords must form their own opinions—that as I have attempted to understand the Sinn Fein Party I do not believe that, with all their mental and moral idiosyncrasies, this is a course which they would in fact adopt. And I specially ask your Lordships to notice, although it is quite obvious, that had seventy or eighty Sinn Fein Members of Parliament been prepared

to take the Oath which would qualify them to take part in the debates in the House of Commons in the course of the last two years they could have played a stormy and an influential part. They were not prepared to take the Oath and they did not take the Oath, and whatever their faults may be—as to this I can only express my own opinion with diffidence, because confidence would be rash—I do not believe they would adopt that course.

But I may be asked, and it is right that I should face the question, "If they did adopt this course"—I may be told that we cannot gamble with contingencies of this kind—"and if they followed courses which are formidable and dangerous to the fate of these Isles and of this Empire, what would you do then?" My Lords, I answer that question very plainly in the evident crisis and danger in which we live to-day, and I say that if they did that, the existence of that Irish Parliament would be brought to an end by any means that might be appropriate and necessary. It might involve, conceivably, the conquest of the South of Ireland. Let us face, when we are examining this question, the straight and evident conclusion that all these things are a matter of alternative.

We are not offered the alternative of making these experiments, if you choose to call them so, and of dealing with a peaceful and contented Ireland at our doors. We are confronted with the alternative of having to some extent cleared our conscience and brought ourselves into relation with the spirit of the day, and the alternative of going on dealing with Ireland in its present condition by our present means.

I am of opinion—and I hope that your Lordships will give deep consideration to the specific proposals of this Bill before rejecting them—that this is incomparably the most promising measure which has ever been introduced upon the subject of Home Rule. I am sure that this Bill is the only Bill that has yet been brought forward which affords the slightest prospect

that you may use those powerful motive springs of a mutual interest to bring together the discords of the North and of the South. I am not blind to the difficulties under which I recommend the Second Reading of this Bill to-day. It is opposed here on many different grounds and by many different members of the House. I have thought it worth my while to make some analysis of the opposition with which the Bill in this House is menaced, and I have made an honest attempt, as far as my ability enables me to do so, to try and examine all the grounds which lie behind each of the specific heads of opposition in order to reach a conclusion upon a point which is at once essential and fundamental—namely, whether these various oppositions are consistent with one another.

The first Motion for rejection is in the name of the noble Earl, Lord Dunraven. No one is more entitled than the noble Earl to be listened to with deep respect in this House upon this subject. He is a veteran, if he will allow me to say so, in this controversy, and he has taken views which, although not in the main the views of this Bill, are in spirit comparable to the views adopted in this Bill, at a moment when their advocacy was very unpopular both in this House and elsewhere. The noble Earl invites your Lordships in substance, though not in terms, to reject this Bill. His Motion is equivalent to a Motion " that it be read this day six months."

I am astonished that of all others the noble Earl should have taken that course. He wrote a number of letters to *The Times* when the Bill was in its early stages, and when indeed it had advanced to a much later stage. On January 1, 1920, when the noble Earl had had plenty of opportunity of acquainting himself with the provisions of the Bill, he wrote a letter which began—

" It may seem strange, but in view of past history it is not offensive to congratulate the Government upon its honesty."

My Lords, one becomes used to these ambiguous

compliments, but that is not the passage which I am searching for. The noble Earl says—

"So I summed up my creed on the Irish Convention, and I hold to it still. I think Federalism will be the resultant of the scheme, and as I love simplicity I could wish that it had been based directly upon that conception, but I, at any rate, have no hesitation in saying that I feel bound in duty to Ireland to give most careful, honest, and self-sacrificing consideration to the proposals in the Government's Bill when it comes before us."

He also said, and this is rather important in relation to the Council—

"The Council, whether it be looked upon as a connecting link, a sort of statutory convention, or a kind of conciliation board, is too weak. It is entrusted with private Bill legislation, and that will give it some control over some matters originating in one part of Ireland but affecting the whole."

And the noble Earl criticized the Council upon one ground only—that the powers conceded to it are too limited.

By March 27, the noble Earl had had further time to study the Bill, and he then wrote as follows to *The Times*—

"The Southern Unionists protest against the duality of the Government Bill as being partisan. Whatever the Bill means, it does not mean partition. In a quasi-Federal scheme the creation of one, two, four or a dozen Legislatures does not impair the national integrity of Ireland. The Northern Unionists accept the Bill in its main provisions. Unionism in general is opposed to any prescriptions for Ireland so long as the terrible disease which is killing her continues. Amid all this welter of opinions, objections, denouncements, the Government Bill stands out as a practical attempt to deal with the situation subject to two restrictions."

Then the noble Earl stated the two restrictions, with which every one in the Government will be in complete agreement. I do not know whether or not the noble Earl is responsible, but the letter is headed, "The Irish Bill: Some Questions for its Opponents." So the

noble Earl, who apparently to-day is wishful in effect to destroy the Bill, was at that moment clearly of opinion that the Bill stood as practically a promising attempt. But by August the enthusiasm of the noble Earl was growing, and in a letter which he wrote to *The Times* of August 30 he said—

> "If these assumptions are correct, the path to a possible settlement is open, and simple to follow. The only danger lies in its simplicity. Why clamour to scrap the Government Bill?"

That was the view of the noble Earl in August, 1920. He has written later letters, which I have before me, but it is evident that at that time, having had an opportunity of judging the meaning and effect of the Bill, that was his opinion, and nothing has possibly happened that ought to have altered his maturely formed opinion except that the House of Commons in Committee has not extended the powers given by the Bill in the direction which recommends itself to the noble Earl. There is a Committee stage in this House. If the noble Earl was in favour of the Second Reading of the Bill in the House of Commons and asked his opponents "Why scrap the Government's Bill?" at that period of the Second Reading in the House of Commons, why does the noble Earl invite us here and now to repudiate all our functions as a body that equally can improve the Bill?

When I confine my attention to the way in which the noble Earl's Motion is conveyed I find that it is an explanatory Motion and founded upon the allegation that this Bill does not command the support of any majority in Ireland. I must ask the noble Earl this very plain question: Is he really under the delusion that his proposals, which at this moment he thinks ought to be carried into law, receive the support of a majority in Ireland? If he takes the view that his proposals ought to be carried into effect by the Government here and now, and if he admits, as a candid controversialist he

will admit, that his proposals do not command the support of a majority in Ireland, what is the relevancy of inviting this House to reject the Government's proposals in a reasoned Amendment on the one ground that is a blemish to which his own proposals are equally exposed ? I cannot think that, however much sympathy your Lordships may have with the noble Earl's history in this matter and the independence he has shown, he will be able to establish, or that your Lordships will be able to descry, any consistency in the advice he gave when the Bill was well on its way in the House of Commons and the advice he gives your Lordships to-day.

I approach a second school of opposition, and it is that which is so ably led in this House by the Earl of Midleton. The noble Earl has for many years, and with the greatest ability and industry, put forward every consideration that can be and ought to be borne in mind when one is dealing with the question of the interests of the Southern Unionists. And, indeed, their case is one which everyone admits to be most difficult. So far the noble Earl has us all with him. As I understand the public utterances of the noble Earl and his attitude in the course of the Convention, in which he played so able and conspicuous a part, I gather that Lord Midleton is not to be ranged in the number of those who attack these proposals upon the ground of rigid and orthodox Unionism.

In fact, if I am not mistaken—and I confine myself entirely to documents which have become public—I believe the noble Earl (many of us profoundly regret it) was actually made aware that he was an unwelcome member henceforth of the Southern Unionist Alliance, because the proposals for which he made himself responsible at the Convention were not, in the opinion of the Southern Unionists of that day, consistent with their own. I believe it was after that period that the noble Earl and his friends established the Anti-Partition Union, if that be its true name. Therefore Lord Midleton is not to be numbered as one of those who

oppose this Bill, as among the number who say that in the present state of Ireland it is insane to introduce a Home Rule Bill. I will approach that school in a moment. The noble Earl does not belong to it. He belongs to the school which, with the legitimate idea of strengthening the safeguards for the Unionists of Southern Ireland, say that this Bill ought to go further in certain specified respects and afford him and his friends greater protection.

The first observation I have to make on that attitude is this, that obviously these are points which ought to be made on Committee stage. I believe there are three points which he regards as of extreme importance. In the first place I understand the noble Earl—I am dealing with his public utterances—to be strongly of the opinion that Ulster ought not to be allowed at this moment to set up a separate Parliament, but that the Ulster Members, whether they wish it or not, should be compelled to remain at Westminster.

I say to the noble Earl as strongly as it is in my power, Surely that is a matter which concerns not the Southern Unionists but the Ulster representatives themselves. Surely they must be the judges. It does not in the least matter what they thought eight months ago. You must listen to the authorized statements which issue from representative lips to-day, and if we find that the representatives of Ulster say that of the two alternatives they definitely prefer the alternative of having their own Parliament set up, surely the noble Earl could not with any show of wisdom ask us to say that we thought that Ulster ought to give up the hopes she now entertains of this Parliament, and continue her representatives at Westminster.

The noble Earl is deeply concerned, and rightly concerned, with the question of finance. I know what he has said in public—that the noble Earl feels that the present financial proposals in the Bill are inadequate. It is quite true that we in this House cannot make

Amendments which relate to the subject of finance. We can debate them, but we cannot amend them. The Government have made proposals in the region of finance which we believe to be in the first place inadequate, and in the second place sound. We descry immense objections to any proposals either to give Customs and Excise or control of the Income Tax to Ireland. It is obvious that the differentiation which would or might arise between a shipbuilder in Belfast and a shipbuilder in Glasgow might present problems of insuperable financial difficulty. But nobody is really so unreasonable as to suppose that we should put forward in our Bill financial proposals in the face of which we see a very great financial difficulty. Equally, I hope, no one is so thoughtless as to imagine that if peace were offered to us by any body which was plainly qualified to speak for Irish opinion we should not examine and re-examine the whole field with the object of discovering any way of satisfying those with whom it is our primary and paramount object to deal.

The third point about which the noble Earl is deeply concerned is the question of a Second Chamber. Here again I will deal with your Lordships, as I have throughout, with the most complete candour. An assurance was given by Mr. Walter Long that we would produce a scheme for dealing with the question of a Second Chamber. The extent to which we have carried out that pledge is that we have charged the Council of Ireland as amongst its first duties with this task. I will tell your Lordships quite plainly why we have left it to the Council of Ireland. It is because we have found ourselves unable to provide at the same time what Ulster wants—a democratically elected Second Chamber—and what the security, or the imagined security, of the Southern Unionists requires—a Second Chamber which is not so elected but which depends on some fancy franchise.

We have failed in attempting to devise such a Second Chamber, and I regret profoundly that so far as we are

concerned it has exceeded the resources of human ingenuity, but it does not in the least follow that it will exceed the resources of the Council in which Ulstermen, who are concerned for the protection of the minority in the South, will find themselves confronted with representatives of the South of Ireland equally concerned for the protection of their minority in the North. I say no more about it, because it is well within the power of the noble Earl to put down Amendments on every one of these points, with the exception of finance, which will test the views of your Lordships and give me an opportunity of replying to them on the Committee stage.

I come next to the school of thought expressed upon the Notice Paper by my noble friend Lord Willoughby de Broke, which I know has many sympathizers in this House. Lord Willoughby de Broke is at least consistent. My noble friend always is consistent, and consistency is a great quality and one for which all of us, even when most conscious of falling short of it, may express a deep respect. My noble friend has not at this moment in this matter any responsibility at all. He is entitled to claim that he is still a Unionist. May I be perfectly candid? I also am still a Unionist in this sense. If I were certified of twenty years of unbroken power in this country, I am still most clearly of opinion that the solution of the Irish question which would be best for England and best for Ireland would be the prosecution during that period of the policy which, in our opinion at least, had attained so large a measure of success in the year 1906. In saying this I make it quite plain that I am conscious that there are many of my colleagues—there must be many of my colleagues—who would not take that view. You must make the reservation that you are given that power and that you are given that power for the requisite period.

The late Lord Salisbury spoke of "twenty years of resolute government." The Unionist Party, in the period to the close of which I refer, had been given some

ten years, and it was only given those ten years by what many members of this House would describe as the accident of the issue, with its repercussion on the Election, of the war in South Africa. That accident and that Election gave the Unionist Party some ten years of office. Is it not evident, in trying to descry what lies in front of us through the mists of the future, that no man living can claim that twenty years, or anything like twenty years, lie in front of any Party that believes in the maintenance of the relations between Ireland and this country on the lines that have existed since the passing of the Act of Union? He would indeed be bold who would say that in the prospects and the vicissitudes of the years before us he could rely on any such continuity.

I anticipate that the noble Lord will point, as he is entitled to point with great force, to the state of Ireland, and say that in the present condition of Ireland this Bill ought to be rejected. The horrible crimes of last Saturday lend point and weight to the case which the noble Lord can make. We all knew that this army numbered many thousands. It is not surprising that one hundred or one hundred and fifty should have banded themselves, after five or six weeks' crimelessness in Dublin, for a desperate adventure. It is reported, and it is believed by the authorities, that the primary object of this adventure was to attempt to intimidate the Courts-Martial and to capture certain documents.

Your Lordships are aware that a great capture has recently been made of the most secret and vital documents of the military and revolutionary organization in Ireland, and I need hardly say that it is the intention of the authorities to make the fullest use of these documents for justiciary purposes. I do not dismiss the view that the secondary object of the selection of the date for these outrages was the belief that there was a section of opinion in this House which might, at this moment of all others, be influenced by these outrages. When I say this I remember that it was at a critical stage of the

Bill in the House of Commons when the attempt was made on Lord French's life, and the then Chief Secretary for Ireland, Mr. Macpherson, expressed to me his strong view that the moment of the assault was chosen in relation to the Parliamentary crisis.

These men and those who share their guilt are the real opponents of this Bill in Ireland. What they wish for is revolutionary secession, and I still say that they are being beaten all the time. In the last few weeks, day by day, the issue has gone against them. It was only four days ago that I was shown a communication from one of these guilty associations in a provincial part of Ireland to a central committee in Dublin—this is one of the documents of which I spoke—in which they asked that they might be given a dispensation of two months from attacking policemen, because the pursuit was growing increasingly dangerous. In all parts of Ireland the police are resuming their barracks, and it is indeed an encouraging sign that at the present moment, discouraging as the reports were some two or three months ago, we are actually every week recruiting for the Police Force more Irishmen alone than leave the Police Force that week.

I cannot believe that these brutal and horrible crimes will influence the House in its decision. Either these men will represent the South of Ireland and will be able to dominate the view in the South of Ireland if the Bill is passed, or they will not. If they do not dominate that opinion, our experiment will have succeeded. If they do, our experiment has failed and they will be governed, and continue to be governed until they see the error of their ways, as a Crown Colony.

I would point out that Lord Willoughby de Broke is not the only Unionist in this House. *Vixere fortes ante Agamemnona.* The names of Arthur Balfour, of Walter Long, both of them ex-Chief Secretaries, are well remembered and deeply revered in this House. Both of them are members of the Government, and they have come to the clear and certain conviction, having

approached this matter with their knowledge and experience, that this proposal and this proposal alone holds the field. I would remind the noble Lord of what I sometimes think he has forgotten, that after all the Act of 1914 is still on the Statute Book. Many of my noble friends sitting upon the Front Bench—Lord Crewe, Lord Buckmaster, Lord Grey, and Lord Harcourt—were members of the Government at the time when that Act was placed upon the Statute Book. The moment the Treaty with Turkey is ratified that Act, unless some other Act takes its place or it is in terms repealed, becomes operative, and writs automatically issue. The only alternative to our proposals, or some other proposals, is that the 1914 Act shall be allowed simply to come into force. That is and must be the view of those who do not accept our proposals and do not bring forward any independent proposals of their own.

May I be permitted positively and explicitly to make it plain to your Lordships that, whatever others may do, this Government will not make itself responsible for the repeal of the 1914 Act. I do not believe there is a single Unionist Member of the Cabinet who believes that to be a possible course, and I am assured by the Leader of the other House that in the House of Commons, elected under circumstances which certainly give a fuller representation to Unionist opinion than any House of Commons that is likely to take its place, there is an absolute majority of Unionists who would decline to father any policy based upon simply the 1914 Bill. Having made ourselves responsible for these proposals, having said that in our belief and judgment some proposals must be made that give Ireland something, how could we get rid of our difficulties by merely repealing the 1914 Act ?

I will make a very brief observation upon the proposals which have been made by Mr. Asquith. I do not know how many supporters Mr. Asquith has in this House on this question. I have discovered that there are some,

who ordinarily share his views, who do not share his particular expression of them in regard to this matter. Mr. Asquith, in his letter in *The Times* of October 5, while proposing the fullest and widest autonomy upon the Dominions' plan, wrote—

"In regard to naval and military forces, I do not share the apprehension of those who think it necessary to impose on an Irish Dominion limitations and fetters which are not to be found elsewhere in our self-governing Empire. No Irish Government would be so insane as to mortgage its scanty margin of resources for such a fruitless and costly enterprise as the creation of an Irish navy."

The expenditure which is necessary in relation to submarines is not, after all, very considerable, and from what I know of the negotiations which took place between the then German Government and a certain section in Ireland I am not inclined to take many risks in that particular matter. Mr. Asquith continued—

"Nor is it readily conceivable that it would seek to deny—what it could never effectively prevent—the free access to Irish ports and harbours of the vessels of the Imperial Navy."

I should have thought that a very moderate expenditure upon mines would have effectively prevented free access. Anybody who is in agreement with Mr. Asquith's proposals must most vehemently dissent from and deny the views which I assume to be held by Lord Willoughby de Broke. The view of the Government is plain, that under no conceivable circumstances can the control of the Army or Navy be given to the Irish Parliament. We welcome here to-day for the first time since I became Lord Chancellor one who has long in another place borne a distinguished name, Viscount Grey of Fallodon.

I will, if I may be allowed, make an observation—a very brief one—about his proposal. The proposal of the noble Viscount, as I understand it, is this. We

ought to leave Irishmen themselves to settle how their country is to be governed, and to give them time to come to an agreement we must continue to perform as best we can the functions of government in Ireland for a period not exceeding two years, and at the end of that period withdraw completely. I cannot believe that this is a proposal which would commend itself to any considerable number of your Lordships' House. It is not, as I understand it, the proposal of Mr. Asquith. I would point out that two years is a fleeting period in the history of a nation. Where were we two years ago? Almost where we are to-day, except that the situation is not quite as bad.

Does the noble Viscount really mean that if the South of Ireland and elsewhere have failed to compose their grievances in two years' time they are then to be left to themselves? What is the prospect of their composing their grievances? I for one confidently express my view that they will fail once more to agree. The differences of hundreds of years are not so easily composed, and conditions such as those envisaged by the noble Viscount are not to be disposed of in twenty-four months. After they have failed to agree, does the noble Viscount really mean that we in this country, with all that Ireland counts for tactically and strategically, are to wipe our hands of it and withdraw the police and the military forces there? What would happen if we did that? I, for one, believe that at once the South of Ireland would be at the throat of the North, and we should involve ourselves in the tragic responsibilities for a civil war, the blame for which would lie upon us. If I believed that there was any considerable party in this House who would support the policy unreservedly of abandoning Ireland in a few years, so sure am I, for one, that in a period of two years under these circumstances unity would not have been brought about, that I should be disposed to ask whether it would not be better to leave that unhappy Island now.

I have exhausted, so far as I understand them, all

grounds of opposition that are put forward to this proposal. There is not one proposal that does not fall under the terms of the noble Earl's Motion. Ireland would not accept these proposals if they were offered. It would not accept Lord Grey's proposals, nor Mr. Asquith's, and it certainly would not accept Lord Willoughby de Broke's. According to their express utterances of this moment they will accept nothing but a Republic. In the Division or series of Divisions that are to take place, if we were dealing with Lord Willoughby de Broke's proposal alone we should, I anticipate, have Liberal support; if, in other words, the mere question was to reject this Bill on the grounds which my noble friend will state and on which he will rely for support, those now on the Front Opposition Bench—Lord Crewe, Lord Grey, Lord Buckmaster, Lord Midleton, Lord Haldane, and others, who think that we ought to go much further—would be bound to support the Government on that issue. If, on the other hand, we were dealing with the proposals put forward by Mr. Asquith, we should certainly have the support of Lord Willoughby de Broke.

The only thing that can defeat our Bill is a coalition between those who think we go too far and those who think we do not go far enough. I cannot think that such a result would be creditable either to our procedure or our penetration. I think it is right to make it plain, because communications have been indirectly made concerning a Motion to adjourn this debate. It might mean an adjournment to any convenient and obviously suitable time, but a Motion to adjourn this debate indefinitely or to adjourn it to any subsequent occasion would be a dilatory Motion which any Government in charge of a Bill must necessarily regard as equivalent to a vote for its rejection.

If, indeed, the various sections in this House who object to this Bill upon wholly irreconcilable grounds desire to destroy the Bill at this stage, I venture most

respectfully to suggest to them that it would be much better openly to defeat it on the Motion of my noble friend Lord Willoughby de Broke, who, after all, makes a direct and intelligible proposal for its rejection.

I have detained your Lordships at some length in introducing this measure, but whoever has had to address himself to such a situation will realize how great our responsibilities are. I do not believe that we shall fail in the end. I believe that these proposals are the most promising which have been brought forward up to the present. I am not rash enough to make any flippant prediction in regard to the future, but I do not and I will not wholly dismiss the dream that instructed, or if you will constrained, by the new orientation of this new world we, who are so soon to give a solemn vote, may succeed where the dynamic personality of O'Connell, the burning eloquence of Gladstone, and the iron will of Parnell were splintered and broken in failure. If this should happen, how immense would be our contribution to the stability and greatness of these Dominions!

If we in our day should be so happy as to succeed, History will record of our generation that we inherited indeed a mighty Empire, but that it was menaced abroad by a powerful and most resolute enemy, while at home it was enfeebled at its very heart by a plague-spot of disaffection and sedition. And in such an event the annals of that history will record on a shining page that we—our generation—after five years of martial vicissitude, broke in rout the foreign enemy, and, having done so, here at our doors recaptured in a nobler conquest this island of incomparable beauty, and, in doing so, became reconciled to a people so individual in its genius, so tenacious in love or hate, so captivating in its nobler moods.

XI

PROBLEMS LEFT BY THE GREAT WAR

This address was delivered to the members of the Institute of Politics at Williamstown, Mass., on August 24, 1923.

Mr. President, Ladies and Gentlemen,—I count myself fortunate that I should have been invited by your distinguished president to take part in the yearly work of that Institute of Politics which was the result, I believe, almost entirely of his own inspiration, and which has brought so much distinction not only in this country but in Europe to the ancient college with which that course will always be associated.

It is, I think, indisputable that the present mischiefs in the world can only reach—if they can in any way reach—a solution by discussion and debate. For, without discussion and debate, action not only cannot be helpful, it may be positively injurious; and the methods by which, as I conceive them, conscientious, laborious, and sustained discussions are carried on here, seem to me to reproduce in a modern age somewhat the atmosphere in which in ancient days the Socratic dialogues were inspired.

Now I propose, if I may, to indicate to you at the outset the method which I may most helpfully pursue, if indeed it is in my power at all to give you any assistance in relation to the topic which I have chosen. I am conscious that everything that is ideal must have been dealt with probably far more fruitfully at the hands of

the extremely competent and experienced experts who have been debating these topics for, I believe, no less a period than a month. And I may be allowed to say that it would not be creditable either to their originality or to their industry if they had not in a month produced far more sound and instructive wisdom than can possibly be in my power to reproduce in an hour, even if I had enjoyed the benefits, which I have not, of listening to their discussions or of reading them.

I propose, therefore, with your good will, to attempt in the first place a short series of generalizations upon the subject which I have chosen, namely: Problems Left by the Great War. After I have attempted that short series of generalizations I shall ask your attention, not, I hope, for too long a period, to some more particular observations upon some of those problems which seem to me to be the gravest and the most difficult.

I am well aware that the subject which I have chosen must involve me in a controversy. Indeed, I am told that even in the harmonious and quiet and charming atmosphere of this town, you have not been able at times entirely to expel the controversial element from the discussions which have preceded my entry into this arena.

While I must treat certain matters in a way which is not only controversial, but perhaps acutely controversial, and with an appearance of dogmatism which can never be avoided when curtailment is imperatively required by the occasion—while I shall try as far as possible to avoid either an unduly partial statement of that which I hope to indicate, or an unduly dogmatic method of presenting it, I am conscious that no human ingenuity could avoid this double risk.

I will, if you will permit me, make a few observations first as to an earlier stage of the problem which to-night demands our attention; for, though the stage is earlier, the problem is the same.

The circumstances amid which the Great War arose

were astonishing enough. About twelve very unscrupulous but very powerful men decided, sitting around a table, that there should be war. They deliberated very privately in Berlin. Many cool observers in the world had doubted whether there would be war. I did not happen to be among the number. But there was much to be said for their view ; in fact, there was almost everything to be said for it ; for no one charged with the destinies of Germany could pronounce for war unless, besides being an extremely unprincipled, he was also an extremely ignorant, man. For Germany, given peace, had everything in her own hands, and her principal trade competitor in Europe was likely to be paralysed by internal dissensions relating to Ireland, which might easily have produced civil war. All Germany had to do was to wait.

None the less, these twelve narrow, ignorant, arrogant men pronounced in favour of war. Their decisions psychologically had only to consider a weak monarch and a Crown Prince disloyal to that monarch. They triumphed, and from their triumph proceed the devastating consequences with which we and our children, and perhaps our children's children, must reckon for the rest of our and their lives.

The problems of the War were incalculably great ; but they were small indeed compared with the problems of the peace. It took ten years to re-create the structure of European society after the Napoleonic wars ; and the exhausting expenditure, material and vital, upon those wars was as nothing compared with that of which it is our duty to make a cool analysis.

It is no use abusing the Treaty of Versailles. That treaty was the creature of the victorious mood of the victorious Allies. It is quite easy now to say that more moderate terms could and ought to have been imposed. The answer is complete. Human nature being what it is, no victorious nations could have reconciled with the determination of their democracies terms less severe upon

a defeated enemy who had deliberately and wickedly for motives of national aggrandizement, run the risk of submerging the whole of Western civilization.

President Wilson, indeed, came with a noble message of hope ; but, unhappily, in the sequel, hope proved to be his principal equipment. It is a fascinating speculation whether, had he been given health and strength to pursue the campaign which he contemplated, his idealism and personality could have affected the forces of the world. I am bold enough, even at the moment when I pay the highest tribute to his unselfish and courageous motives, to doubt it. For the real truth is that while the whole world requires the encouragement and the light of idealism, the whole world would probably not survive if idealism were given a completely free rein.

The same simple, illuminating—if cynical—truth applies to that hideous competition in the world by which every individual who does not inherit a fortune is confronted. The great Bentham long since pointed out that the motive spring, and the necessary motive spring, of human endeavour, was self-interest ; and he equally pointed out that the consequences would certainly be obscure, and in his judgment would be unfortunate, if every individual began to regulate his or her life, not upon his or her own interests, but upon some supposed interest of others. And, indeed, a very cautious mind might stagger before such a possibility. No creature in the world—human, animal, or, it might also be added, vegetable—has ever regulated his, her, or its life upon a basis such as that under consideration. And when it is considered that the world has already lasted for some millions (or billions) of years, and that countless billions of breathing creatures have inhabited this world during that period, an experience so unanimous and so entirely unaffected, either by Christianity or by civilization, at least affords to a scientific observer the material for an irresistible generalization.

The same great truth applies equally to nations. No

nation in democratic conditions will ever be allowed to become the knight-errant of the world. The governors of each nation are the trustees of the whole people ; and, unhappily, they are removable trustees. They must always keep pace with the beneficiaries of the trust, because the beneficiaries in this particular matter can at any moment discharge them from their offices.

Therefore, it seems to me that while the name of President Wilson must always be revered by those who render homage to purposes almost superhuman, pursued with a zeal almost as superhuman, yet it must none the less be recognized that his judgment of his own countrymen was wrong, and that by the error of that judgment he became, paradoxically enough, the agent of all those post-war developments from which his altruistic mind would most specially have recoiled.

I, for myself, have no delusions as to the only function which the American Government is called upon to discharge. Their primary, and indeed their only duty, is to the American people. If by intervention in the affairs of a stricken Europe they can advance the fortunes of the American people, then it seems to me, as a humble observer, that it would be their duty to make such an intervention. But if in cool perspective they reached the conclusion that no compensating gain to the American people would result from reassuming European and world responsibility, they would be failing in their duty if they embraced an unnecessary responsibility.

This, and this alone, is the problem of the moment. Who shall marshal the arguments ? The most acute and learned political dialectician in the world might fly from the task in despair. And, indeed, the great economists and financiers of the world have in the last four years proved little able to afford us sound guidance or even accurate prediction. Who is there to-day who has appreciated the complete economic consequences of the accumulation of so much gold in America upon the export trade of America ? Who is there who can tell

us clearly over how long a period the immense domestic market of the United States will be adequate for the equally immense manufacturing resources of your great cities ? Who has yet convincingly analysed, in relation to the devastating problems of modern exchanges, the effect of a high-tariff system ? Who has accurately measured the effect upon the agricultural community of the United States of the existing and artificially produced economic conditions ?

The farmers of the Middle West have long, in my understanding of American history, been among the great figures of your ordered community. They have been efficient ; they have been industrious ; they have been conservative in the sense of being non-political, an adjective in which all reasonable men see praise. Are the present conditions of the world favourable, or even tolerable, to them ? Are they likely to improve ? Are they affected by the present condition of the world ? Can their condition be permanently alleviated while the conditions of that stricken world remain unchanged ? If I am right in supposing that the deflated condition of Europe as Europe is to-day already affords grave anxiety to your agricultural community and may, in the future however remote, occasion an equal and analogous anxiety to your manufacturing community, I have at least established all that I care to establish : that grave and not very remote problems await the decision of the American nation.

For myself, I have never varied in my view. Great nations not only deserve, but require, a great world in which to develop their own greatness. Commercial genius flourishes when the whole world flourishes ; and its prospects decline when the whole world declines. Shipping, invisible exchanges, interest on money borrowed by stable creditors—these are the garnered rewards afforded to the thrift and financial efficiency of the nations which are happy enough to possess those assets. But if you substitute for the conditions which existed

before the War a world in which there are no markets for anything which you or we can produce, because hardly any one in the world can afford to buy at the present rate of exchanges that which you and we—both manufacturing nations—can produce, then, sooner or later, your experience must be the same as ours.

The manufacturing genius of your nation is great; so is the manufacturing genius of ours. To-day we are suffering more than you in our manufacturing, if not in our agricultural community, because our home market is smaller than yours. But if and when your home market ceases to employ in their fullest energy the resources of your manufacturers, the resultant position, combined with the existing agricultural situation, will bring you almost precisely to the position which to-day we feel.

Gold reserves will not help you. Nor have they very much helped any people in the world. The strength of the world lies neither in gold nor in precious jewels; it lies in the ordered and peaceful industry of great populations harnessed to those occupations by which, in the imperfectly defined purposes of the Author of the universe, all alike must earn their living. The genius of great peoples, while we maintain our present economic systems, will find its reward in extricating a world of suffering, not unwilling to work, from its present morass, and in releasing and reanimating the economic forces which, and which alone, can bring prosperity to the body politic and economic of the whole world.

I indicated that I should precede the more particular observations I have to make by a series of generalizations which, because they must necessarily be brief, must equally necessarily be bold, and it has occurred to me that it might interest you if by way of some particular illustrations I indicated a few general conclusions as to the situation of several of the most important nations in Europe at this moment. And at least I make this claim with boldness, that if I err, if I do too much justice to

one country and too little to another, it is not because I am not making a sincere and an honest attempt to see the situation as the situation actually is, excluding so far as I can all national, all emotional, and all cosmopolitan prejudice from my mind. Let me, then, so far indulge the egotism of an Englishman by selecting first for consideration the case of my own country.

The American nation has freely and generously admitted that England made sacrifices in the Great War, which I am content should be moderately stated in the words of a great American, that they were sacrifices worthy of the martial history of that country. I need not recall to you the loss of life almost comparable to that sustained by France, which has destroyed for ever the hopes of so many English homes. Still less do I speak to-night of the treasure, collected painfully and industriously over centuries, which we flung without a thought and without a question into the common cause.

But I would ask your attention to the situation in England as we see that situation to-day. We have balanced our budget. We have not shrunk from a sustained stringency of taxation, comparable, to say the least, to that by which you yourselves are crushed at this moment. For that reason, our credit is high ; we have followed—I know not whether we have followed too closely—the hard and painful road to deflation, rather than the easy primrose path to inflation ; and by an incorrigible habit which our country has pursued through the centuries, which I think has not, perhaps, been without some resultant and compensating advantages to our credit in the world—we are paying our debts. This we have hitherto done whether we borrowed the money for our own consumption or for the accommodation of a friend who at that moment was in a difficulty.

And now I come to make a very brief observation on the subject of reparations.

If I am right, and the great majority of the victorious

nations will agree that I am right, in making the claim that this war with all its staggering cost in blood and treasure was forced by a guilty country upon a reluctant world—if that claim be not too bold, it follows plainly and unarguably from it that, quite apart from the financial aspect of compensating those who were the innocent victims of an aggressive war, and who sustained ruinous and devastating consequences in their financial affairs—it follows that quite apart from that consideration, for the mere warning of nations in the future the price paid is and must be heavy.

But here, unhappily, the position of Great Britain is not especially favourable, because to us it sometimes seems as if almost all the world except ourselves lives in a universe of which the general atmosphere issues from a series of very astonishing illusions. It has sometimes seemed to us that there is a general view, certainly held almost universally in Europe, a general view that such is the simplicity of the British character, that this nation can be relied upon not merely to adopt a course, so far unimitated by others, of paying our just debts, but that we are also to forgive every one else all that they may owe us, whatever is the cause of that indebtedness.

Such an assumption, however gratifying to the reputation which our country has established in history, however eloquent of the practical application which, almost alone among the nations, we are supposed to be capable of making and to have made—I say, however gratifying these tributes are, there are, I assure you, quite a considerable number of persons in England who are not able to subscribe to them.

Let me indicate to you by way of sample illustration what the consequences would be. But first of all let me give you, as I can do in one or two simple sentences, the general continental atmosphere to-day.

First of all, it is always assumed in Germany that "we shall have to pay something to France; we shall have to pay something to Belgium; we may have to

pay something to Italy; but, as a general accommodation, it may surely be assumed that Great Britain will waive her claim." Well, whether there will be much to waive as the centre part of Europe develops might be made a subject of curious controversy, and I do not pursue it now; but I rather pass to another source from which we might hope to obtain something; that is to say, from those allies who have taken the somewhat different view of sound finance to ourselves in the last four years, and on whose behalf we guaranteed indebtedness during the years of the war.

Their view of the matter seems to me to be an extremely simple one. "It is quite true," they say, "that in a pedantic business sense you may say we owe this money to you, but pedantry is one thing and sentiment and realities are quite different things, and you really cannot ask us to pay you." I assure you that is the general atmosphere that is adopted in Europe. Suppose that we yield to it, tempted by the additional attraction offered, that if and when Germany pays a sum of money which everybody who is not in a lunatic asylum knows Germany can never pay,—"if and when she pays us in full, then we shall be delighted to pay you what we owe you." I myself should have been a much richer man if I had been able to regulate my own small matters of indebtedness upon a somewhat similar basis. In fact, only the other day I observed that an eloquent and well-known writer in a French paper said quite plainly, "Our debts—our debts—our debts are the scars of the war." That, of course, is one way of looking at the matter. I rather wish it had occurred to us. We looked at a debt of honour through different eyes.

Another writer, this time an Italian, in an article which was brought to my attention ten days ago, made the following illuminating observation. He said: "We are told that Great Britain is going to forgive us our debt to her." Who told him, I do not know. "Well, a year ago, we should have welcomed the assurance,

but now it has been so generally acted upon that it ceases to cause us any particular excitement."

Observe, then, where my unfortunate country is. We are not apparently to receive anything from the German reparations. We are not able to draw any considerable cheques upon that bank in which is kept an account for the scars of war. We are going, as it is our wish, and was always our fixed intention, to pay our own debts. We have not laid and do not propose to lay any complaint whatever, but in what situation will that leave us? If these gloomy apprehensions are acquiesced in they will leave us in this condition: that we, who, after all, were not more conspicuously defeated than another nation, are the only nation that is really paying indemnity, unless Germany pays some. This is perhaps a surprising result of the rather remarkable efforts we made during those four years. But if this be the result, it must be the result.

Such is the train of thought which is passing through many British minds. Let us see whether or not I can apply my judgment with equal impartiality to what I conceive to be the French view. For many years before the war France was bullied and humiliated by Germany in the face of the whole world. Instead of resting content with the striking victory which ended with the transfer to Germany of the province of Alsace-Lorraine, the bungling diplomacy of Germany, foolishly apprehensive of a swift expansion of Russian strength, neglected no occasion by which it might remind France that she had been a defeated, and, in the judgment of Germany, was still a negligible nation. The legacy of bitterness and resentment which had been left by the campaign of Sedan deepened and intensified as the result of a brutal and insensate diplomacy.

So you came to this war—a war which incontestably, so far at least as we are concerned, was forced by Germany upon France. A considerable part of France was devastated; inconceivable savageries were perpetrated

in obedience to the doctrine of so-called horribleness. And at the end France undoubtedly feels, and in many ways France quite rightly feels, that Germany has not paid what Germany could pay, and that a deliberate attempt is being made, by subterranean manipulations of the paper currency at home and by the export of assets abroad, to produce a bankruptcy which may indeed be official, but which has no correspondence with the actual and potential resources of the people measured in their material possessions and their organizing power.

Such is the French conception, and there is, of course, much to be said for it. There is a great deal to be said for the view that you should obtain the maximum amount which is payable by Germany so long as you do not impair her capacity to pay anything at all.

I was myself opposed to the French occupation of the Ruhr, because neither you nor we have anything to gain by any further complications in the political situation in those districts. The only interest that we have in that situation—and you still retain some small financial interest—is whether or not the step which France is taking is one which is likely to produce a larger reparation ; otherwise the matter does not concern us, except in its purely political side.

The French, however, went into the Ruhr, and the moment they went in I have always quite plainly maintained that they were committed and that the flag of France was committed to an experiment. And I see myself no means whatever, which are within our power to adopt or which it would be conceivable that we should adopt, to terminate that experiment. We may agree or we may disagree, but the French are in the Ruhr, and it is by the development of the situation which has been produced by their occupation, and by that development alone, that it will be shown whether they were right or whether we were. But we may be allowed solemnly to notice that whatever other compensating advantages—if there be compensating advantages—have

flowed from the occupation of the Ruhr, the prospect of Great Britain obtaining any reparations at all has evidently been diminished.

I will now, if you would allow me, make a concluding observation upon the subject of Germany. I have not hesitated to state quite plainly my conception of the primary responsibility for the terrible war, the memories of which still, in their poignancy, throng our minds. But, while I make that observation, there are certain circumstances which require to be borne in mind. It is necessary, for the correction and the warning of those who may be tempted in the future along the promising road of international crime—it is necessary to remind them that a nation cannot escape responsibility and cannot evade punishment by pointing to its government and saying that they and not the nation are responsible.

If such a plea were ever admitted the jurisprudence of a nation and the decisions of war would prove to be equally nugatory. Such a claim cannot be admitted, but a distinction must of course be drawn between the case of a democracy and that of a nation which lived under an autocracy, which had no real voice in its own government, which was powerless without a revolution to control the foreign policy of that government, and which found itself, with easy promises of swift immediate material aggrandizement, launched upon the primrose road which it had trod in previous historic campaigns.

A distinction, I think, in justice must in this respect be drawn between a democracy which has deliberately maintained and supported a policy, and a nation upon which, under an autocrat or a military caste, that policy has been imposed. The distinction must not be exaggerated nor its consequences magnified, but that there is such a distinction I do not doubt. And equally I do not doubt that there are many in Germany to-day, honest men, particularly of the middle classes, who have seen every farthing which they possessed dissipated while the mark joins the rouble in its devil's dance;

men who had no more responsibility for the war than you and I had. I can conceive of many such thinking that there are respects in which they have not perhaps been afforded a real chance of making pecuniary reparation without involving themselves in complete ruin.

The first ground, therefore, upon which, if I were a German standing before you to-night, I should base a plea, not indeed for reconsideration of the major decisions, for those decisions are irrevocably taken, but at least for some degree of consideration and perhaps of reconsideration, would be this : You must tell a people if you are going to involve them in the payment of immense sums of money, you must tell them not a fanciful figure which you state for the purposes of the impossible maximum, but you must tell them in real terms, which you intend and are able to enforce, the amount which they must pay ; and it must be an amount which conceivably at least they can pay.

Therefore, I for one, and I think all English people, warmly welcome the proposal, of which I believe Secretary Hughes was the author, that a commission should be appointed in order to determine the amount which Germany can pay. But the unfortunate part of this suggestion, at the moment when it has been pressed for the adoption of the French nation, is that it has come when they are committed to the Ruhr experiment, and when in consequence they are almost logically committed to maintaining the authority of the Reparations Commission whose principal and primary function is to solve this very question, namely : what Germany can pay.

I have tried to keep myself, in the case of England, in the position of an Englishman, not anxious to be partial or unfair, and to state the world situation as it strikes and must strike him. We know only too well that the direct consequence of the condition of Europe is the unemployment which has grown and grown in all our great cities, and which seems likely to reach even a more sombre climax in the approaching autumn.

Such, I think, would be the general view of the ordinary Englishman trying to state the position fairly and clearly.

I have tried to put myself in the position of a French citizen standing here and charged with the same duty before this great meeting. I hope that the points upon which I made it plain that I found myself unable to agree with the policy of the French Government, have not made it impossible for me to appreciate the feelings which have operated in their minds, or the bitterness and resentment which have led them to so many conclusions.

And observe that it is equally our duty to ascertain what points there are, if there be any such points, which can fairly be placed before a reasonable conqueror by a nation which has been defeated. I cannot eliminate from my mind, any more than you can eliminate from yours, the uneasy activities of various great financial figures in Germany, who have been enabled by transfers of capital and by the conversion of paper into solid and more durable assets, to produce some of the amazing consequences which have recently marked the downward fall of German currency. I cannot say whether the situation and these charges are ill founded, but I should not exhaust the possibilities which are entertained as to the actual situation in Germany, if I did not remind you that by a well-informed section of European opinion these views are commonly held.

That which I had to say to you is concluded. Who can doubt that I use moderate language when I say that the war has bequeathed to Europe perplexing and it may be ruinous problems? Great Britain cannot indefinitely support the burden of unemployment which has involved us, and necessarily, in my opinion, involved us, in the payment over so many years of gigantic sums. To us it is necessary—for we are neither self-supporting nor primarily agricultural—to us it is necessary that we should replace the markets that we have lost or cease to maintain an industrial population upon our soil.

The gravity and difficulty of this problem have not been diminished by the circumstance that our population has grown on so surprising a scale since the war.

France has her problems. Germany, of all others, has her own. Is there any ray of hope which at this moment can be presented? Can any alleviation be found, I neither claim nor ask nor hope in the near future, but in a period of five or even ten years? I should not deal honestly with you if I concealed from you my own conclusion, that unless some change unforeseen by me, unforeseeable by me, occurs in the present situation, the condition of all Europe must grow progressively worse.

We can indeed, no doubt, modelling ourselves upon your exceptional geographical situation and resources, more and more deflect British credits into our own dominions and extend and encourage our colonial markets. We can more and more reassert the British policy of isolation sustained for so many centuries teeming with great historic events. We can say to Europe: "Continue if you will the ruinous courses to which you are committed; the British Empire will appeal to its own people, will develop its own markets, will concentrate its finances and its own resources upon its own dominions."

Yet, this is a part which I should myself be sorry to see carried to its sad and cynical conclusion. A tragic moment comes when nations who trod together so many years the bloody road of death, who breathed so many years the black air almost of despair, say when the battle has been won after so much struggle and so much endeavour, "We carried through that incredible and man-destroying task; from the minor task of statecraft that remained we have recoiled in mutual estrangement."

I still hope and I still believe, though I am not bold enough to express this feeling in terms of time—I still hope and I still believe that all the nations who saved civilization, which would otherwise have been destroyed,

will one day convince themselves that not merely the interest of Europe, but the individual interest of every great country in the world, requires that some common effort shall be made to alleviate and correct the misery under which Europe is groaning to-day, and before which Europe may so easily succumb. Then, not only shall be won the greatest war in history, but our names will be remembered and acclaimed by generations to come as the men who were not unequal to a nobler task, that of winning the greatest peace in history.

XII

INTERNATIONAL LAW.

This speech was made to the members of the Canadian Bar Association on September 3, 1923.

Until the month of August, 1914, it was generally, though not quite completely, true that the civilized nations of the world had, over a long period of time, combined to increase the authority of international law. Indeed, from the days of Grotius there had, until ten years ago, been discernible a hardening tendency upon the "legal" side of a body of doctrine which never, of course, could, except metaphorically, be called law at all. The science of law has, throughout the ages, been the subject of much cultivated and learned controversy. But when the analysts like Austin had completed their analysis, and the historians like Maine had completed their histories, there emerged from their co-operative activities a general recognition among writers upon jurisprudence that, whatever other quality is demanded by the conception of law, that of compulsive assertion by a superior is vital and indispensable. In other words, a law is not a law unless some one superior to yourself can penalize and chastise you for its breach.

The earliest writers upon the subject of international law were not only masters of casuistry, not only consummate dialecticians, they were also golden, incorrigible optimists. For they found Europe as we may even find it to-morrow—a welter of savagery, a scene of

desolation and abomination, amid which the garnered treasures of Greek and Roman civilization had perished.

To a man like Grotius, with a mind incredibly powerful and versatile, too shrewd for self-illusion, it must have been plain how slow, how painful, and how precarious must be the development of the tiny seedling which he planted with so much courage and so much hope. For many passages of his immortal work make it plain that he realized that it was not, and probably never would be, possible to assimilate international law with municipal law. And yet, with a bold and generous vision, he lavished all the powers of an incredibly well-endowed mind upon the attempt to fling an atmosphere of law around the moral code upon which, as he clearly saw, the whole fabric of future civilization might, and almost certainly would, depend. Peering into the future, this remarkable man must almost certainly have reasoned to himself somewhat in this way:

International law can never become a real law unless and until there is formed a concourse of nations able to agree upon that which shall be law; resolved to enforce it upon recalcitrant members; and armed, by mutual agreement, with the material force necessary to restrain and coerce those members of the international family who disobey its decrees.

Such a League of Nations (I think Grotius may have said to himself) is little likely to arise in this imperfect world. But some progress is possible. The moral precepts which ought as surely to guide the actions of nations as those of individuals may be so camouflaged as law (though I hardly think he used the word) that in time the majority of civilized nations will tend more and more to accord to these moral precepts the actual authority of law. They will do so, I hope, because the majority in most countries will prefer to act morally rather than immorally. They will do so, at any rate, I believe, because most sensible statesmen will realize that on the whole it pays to behave decently and in the

manner which most moral and educated men admit to be decent.

The great fathers of international law would undoubtedly have expressed their meaning more formally, more lengthily, more eloquently, and perhaps I may be allowed to add, more pompously, but I am on certain ground, which I could justify by unlimited quotations, when I claim that their general outlook upon the nascent science to which they contributed so much genius and so much hope was of the kind which I have indicated. Optimists they undoubtedly were. All pioneers have been. No pioneers have ever brought more enthusiasm to a more tangled and more hopeless jungle.

Twenty-five years ago, I wrote a small work upon the subject of international law, in which I attempted a definition of that science. To-day it would be necessary that I should rewrite it. To-day I should define international law as that body of doctrine which civilized nations, until quite recently, had believed to be binding upon them with a force and authority comparable to that which in their own systems is conceded to their own law. This definition, of which I sorrowfully record my own conviction that it is neither cynical nor pessimistic, suggests some sombre observations.

Hundreds of years have passed since the great pioneers addressed themselves to a Herculean task—hundreds of years of Christianity and civilization—and yet to-day the cruel and poignant truth confronts him who cares to understand the truth, that the Great War very nearly demonstrated the moral bankruptcy of that system, which had been laboriously and painfully compiled by the humanitarian and intellectual effort of centuries.

The most familiar and elementary weakness of international law had, of course, always been that it formally recognized in war a permitted system of litigation. Implicit in this recognition was that the result of such a war, whatever its moral quality, possessed, even if by usurpation, the function of the judge. And, accordingly,

a nation which put its quarrel to the hazard of the sword established its legal—as apart from its moral—position by its successful employment.

This was the reason which led the cynical, unscrupulous, but powerful mind of Bismarck to pour constant contempt upon international law and its professors. "Find me an argument founded upon international law," he cried, "and I will find you a professor to answer it." And so the nation which worshipped in the world of abstract thought Treitschke, and in the world of action Bismarck, grew intelligibly contemptuous of a creed which perforce admitted that success constituted immorality. And so there arose in Europe a Power calculating, reckless, unscrupulous, which laughed at The Hague Conferences while it attended them; which looked only to the sharpness of its sword and to the disciplined strength of its great battalions.

In the year 1914, all those who counted intellectually and politically in Germany were secretly laughing at international law and all that it involved. And the tragic commentary cannot be omitted that the inherent and unavoidable weakness of this body of doctrine almost justified them in the view which they took. For had Germany won the war, what would have happened? She would have dictated peace, I should imagine, at Buckingham Palace; for the *réclame* of this *mise en scène* would, on the whole, have been greater than that of Versailles. And, anyhow, she had enjoyed this once already. She would have rewritten on a new map the outlines of a new world. And all this she would have done with complete impunity.

Inasmuch as the strong have many friends, she would have found apologists and defenders in every neutral country of the world. She would have conquered by the agency of poison gas; by sinking hospital ships; by breaking almost every hitherto observed convention of war; by converting the sea into a holocaust of murder; and by a public deification of the doctrine of dreadful-

ness. The triumph of Germany, in other words, would have involved the destruction and the disruption of international law as the whole world had understood that law until the month of August, 1914.

But Germany did not win the war. Through all those dark and doubtful months, we had sustained ourselves by the belief that the defeat of Germany would mark the downfall of an outlook upon public law at once so unmoral and so destructive. Has it done so? Can any dispassionate observer, examining with cool survey the present outlook of the world, claim that the authority of international law is as strong to-day as it was in 1914? Central Europe is dissolving before our eyes into anarchy. It would exceed the purpose of this lecture to analyse and determine the responsibility. We are more concerned to appraise facts than to distribute praise or blame. And the facts, however disillusioning, stare us in the face.

Every nation which, under the terms of the Treaty of Peace, has obtained less than that to which it conceived itself entitled, is simply waiting an opportunity to get more. Nearly every vital preclusion of the various Hague Conferences was violated in the Great War, and no step has been taken, or can very easily be taken, for restoring that which, for want of a better term, I must describe as their authority. The late Mr. Hall, in a preface to the last edition but one of his learned and sagacious work upon the subject of international law, indulged in a gloomy prediction, which events have very fully justified. He predicted that the next war would be fought with a degree of unscrupulous savagery which had not been known since the Middle Ages. He was right.

If we could persuade ourselves that the defeat of Germany, the principal employer of those methods, had ended them for ever, the mischief, in point of time, would be finite, and in point of consequence curable. But, unhappily, we have no such security. It is, on the whole, worth while to face facts, however disagreeable

and naked those facts may be; and the truth is that when the nations of the world spring to arms, when the glittering counter of world dominion is placed at the hazard, all the boasted veneer of our civilization is swiftly dissipated, and we still revert, as man reverted long ago, to the state of society which Mr. London so vividly portrayed in his book "Before Adam."

Does any sane person now believe that, if another war should ever emerge, a nation which sees victory or defeat depending almost upon the throw of a coin will neglect any instrument of destruction, however devastating, the employment of which promises success and all that success brings? And, indeed, I myself have always thought that the nice distinctions drawn by various Hague Conferences between permissible and non-permissible instruments of destruction were so artificial that they could not support the harsh test of modern warfare.

Let me give an illustration, in order to see precisely where international law stands to-day. The unlimited submarine warfare carried on by Germany did as much to brand her with indelible infamy as any crime which she committed. Germany was defeated, and her fleet lies rotting in the green depths of Scapa Flow. With her defeat it might have been supposed that the judgment of the whole world had been finally and for all time delivered upon the method of warfare so inhumane and so murderous. Has it? Are we sure to-day that, if a world war broke out to-morrow in which this country was involved, the same submarine weapon would not be employed to our hurt? Is it not, on the contrary, a fact that every competent Admiralty in the world is at this moment preparing its plans upon the basis that the German menace will be renewed, if not by Germany, then by another? How are we, then, who up to the present have counted ourselves as writers and authorities on international law, to describe the legality of submarine warfare? Are we to say that it is legal or that it is

illegal? And if we pronounce it to be illegal, are we, none the less, to proceed upon the basis that it will be recurrent, and that we must guard against it or perish?

A further illustration may be attempted. The last war ushered in the employment of poison gases. In comparison with the physical consequences of many gases, actual and potential, the nice refinements of The Hague Conferences become obsolete, and, if the subject were not too tragical, they would also become humorous. What are the chemists of the disappointed nations doing at this moment? Are they caring about The Hague Conferences of the past or The Hague Conferences of the future? Is there any particular form of chemical horribleness from which Germany would recoil if she could destroy the French Army of Occupation on the Ruhr?

Are we quite sure in the Temple of Truth from what weapons we should ourselves recoil if we were Germans and the French were in occupation, and perhaps not in merely temporary occupation, on the Ruhr? Have even the most skilful chemists finally exploited the destructive effects of new chemicals? Are new Hague Conferences to continue to proscribe expansive bullets and register preclusions upon the use of chemicals which hardly any nation in the world has any intention of obeying?

I am fully conscious that the whole tenor of my observations is one of gloomy presage to the future of civilization, but my counsel, such as it is, has no value if it be not frankly and honestly given.

There was, indeed, a dream, affording to sanguine minds the prospect of a golden hope, when President Wilson held out the assurance that the United States of America would adhere to a League of Nations which could have made international law a reality and armed its prescriptions with a sanction.

I myself, unfortunately, have not a sanguine mind, or at least not an oversanguine one, and I never for

one moment believed that President Wilson would be successful in inducing the American people to undertake responsibilities alien to its traditions, and only with great difficulty to be reconciled with its interests. Accordingly, I incurred no small degree of censure by directing attention, in an address which I delivered to the New York Bar Association, to the difficulties which, principally from the American point of view, seemed to me to make its adoption difficult, if not impossible. Unhappily, my premonitions were justified. I wish that my critics had been right and I had been wrong. But I knew then very clearly that I was right and that they were wrong.

Who, for instance, with the claim to be still at large, could have supposed that the United States of America would have submitted to the League of Nations the question of Japanese immigration in her western provinces? It is a very noble thing to be an idealist; but it is, on the whole, more useful to be a realist. If the League of Nations had been practicable in the sense that the United States of America would have done everything necessary to make it a success—in the sense, to be more precise, that the United States of America would have contributed her share of the military and naval force necessary to enforce its decisions—a fair opportunity would at least have been given to a dazzling experiment. Then, and then only, might international law have become law in the only sense in which any law is law.

Even so, I hesitate, while I would have welcomed the experiment, to predict with complete conviction that it would have succeeded. Would immunity, even so, have been attainable in any grave decision which required instruments of coercion? And, in a supreme clash of nations and of interests, would anything else have happened except that a new world war would have developed with alignments more clearly defined?

My conclusions, therefore, though sombre, are, I believe, sensible and cautious. Mankind is a combative

animal. The world still holds precious and incalculable prizes for those who have the will to conquer and the manhood to die. Nations will still be found willing to put all to the hazard ; men will still be found in those nations willing to die. And so the survival of the fit and the elimination of the unfit will still proceed, and all that we, who call ourselves international lawyers, can hope to do is to carry in hands less puissant the torch of Grotius, and preach to an indifferent world the creed that in the long run violence and illegality do not pay ; that, to a nation, the white escutcheon of unsullied morality is as priceless as to an individual, and that the Sermon on the Mount was not the idle chatter of a thoughtless Man.

XIII

IDEALISM IN INTERNATIONAL POLITICS

Lord Birkenhead's Rectorial Address to the students of Glasgow University on November 7, 1923.

IDEALISM may be defined, as well as in another way, by calling it the spirit which impels an individual or group of individuals to a loftier standard of conduct than that which ordinarily prevails around him or them. This definition does not, of course, impinge upon the philosophical concept of idealism that in external conceptions the objects immediately known are ideas ; that, in other words, all reality is in its nature psychical. With such abstractions (though they are of great interest) we are not practically at this moment concerned.

Idealism in the international field is the spirit which would carry into the relations of States the kind of ethical progress generally indicated above.

Now it is evident that every sane and normal citizen must desire improvement in the standards of purity and morality. Nor is it less evident that every reasonable statesman must desire that the relationship between States shall be increasingly regulated in accordance with the highest attainable standards of conscientious conduct. Conflict, therefore, is very unlikely to arise so long as attention is confined to the larger generalizations which the term suggests. The subject, however, of this observation is naturally neither an attempt to examine nor appraise the value either in national or international

affairs of a loftier standpoint or of a more austere ethical outlook. Such abstract discussion would be one-sided; nor would it lend itself to any fruitful disputation.

It is when attention is directed to the sharply contrasted views of those who are distinguished in political matters as "Idealists" or "Realists" that the subject matter of the present examination becomes apparent. The use of these discordant terms makes it plain that the word "Idealism" is employed in current phraseology to indicate a point of view in relation to life which may be challenged without either absurdity or cynicism. No one, for instance, imagines that the school of political thought which is conveniently described as Realistic would impeach the conception or definition of Idealism with which this address began. The term, therefore, is used in a narrower or more specialized sense, which must be somewhat more carefully analysed.

In current language an idealist, in this sense, is one who places before himself in private or public affairs as attainable a goal which other citizens, perhaps equally moral, do not believe to be so attainable. Provided that the idealist be a sound judge of moral valuations, nothing but good can proceed from his admonitions. If he wrenches in his individual exertions even a tiny fragment from the area of a grosser world he will not perish without the glory of achievement. It has, of course, naturally happened that the greatest of idealists have been teachers or preachers.

Of all such Jesus Christ was evidently the most pre-eminent. But it would be unreasonable to suppose that when He admonished him who was assaulted to turn the other cheek to the smiter, or him who was rich to sell all his possessions and give them to the poor, He was laying down standards of conduct which He either expected or desired to see generally adopted. He was, on the contrary, diffusing through the medium of metaphor a sweet and beautiful moral atmosphere for the purification of imperfect manhood. Were an autocrat

to issue a ukase within his own dominions ordering all rich men to divest themselves of their possessions in favour of the poor, he would be, assuming morality of purpose, an idealist in the narrower sense, but he would also be an idealist in that more aggressive and dangerous connotation, with which we are principally concerned.

An analysis of the subject derives some guidance from the use of the term in private as opposed to public policy. For such an examination makes it plain how small has been the conquest of Idealist thought, even over the comparatively easy domain of individual conduct. The school of Idealism is the very antithesis of the school of self-interest. And yet nothing is more apparent than that politically, economically, and philosophically, the motive of self-interest not only is, but must be and ought to be the mainspring of human conduct. Bentham long since pointed out in his " Theory of Legislation " how inconvenient and even mischievous the consequences would be if every individual were to regulate his conduct, not in relation to his own interests, which he is likely to understand, but in relation to the interests of others, in relation to which he is very likely to be imperfectly informed.

Economically the matter is not less plain. Mankind subsists precariously upon this globe on the terms of constant and contributory toil. The experience of thousands, perhaps of hundreds of thousands of years, has shown that the desire of self-advancement is the only adequate incentive for that standard of labour and achievement which each individual must be encouraged in the common scheme to afford. The only legitimate sphere, therefore, of the idealist within the field of private morality is to elevate, if he can, the standards by reference to which conduct is, in the existing scheme of things, adjusted, without attempting to impair motives which are fundamental in human nature and vital to social economy.

If we turn to the relationship of States we shall find

it necessary to draw similar distinctions even more clearly ; for many causes combine in this field to contract the area within which altruism is likely to win adherence. The man who cries, " My country, right or wrong," may or may not be a patriot ; but he is certainly not an idealist. The latter in this connection must again be conceived of not merely as one who desires to see the substitution in international practice of Law for War : the complete purification of international morality ; and perhaps " The Parliament of Man, the Federation of the World." For in this vague sentiment of benevolence many admirable citizens of many countries would concur. But the idealist in the sense which concerns us is he who believes that these things are in fact attainable ; that we ought to take steps and make exertions, and even sacrifices, in order to attain them. And he would indeed, in most cases, actually shape the policy of his country, and even compromise its interests, because he believes in the prospects which he indicates and in the sanctity and infallibility of international compacts.

Twenty-four years ago a Czar of Russia issued to the world a very sonorous and idealist message. It announced the hope that war might be for ever ended. It made specific proposals in that sense. And thus there came into existence a Hague Conference, with the history of which most of us are familiar. It would be foolish to deny that this Conference did some useful work in its secondary tasks—namely, the consideration of international disputes and the alleviation of avoidable cruelty in the prosecution of war, which is itself in its very essence cruel. But it has achieved absolutely nothing in the direction of its major and more imposing purpose. In a book upon the subject of international law which I wrote immediately after the appearance of the Czar's communication I made the following observation :

" No sensible person with the slightest knowledge of history will believe that human nature has so profoundly

altered as to afford the most remote prospect that this dream will ever be realized."

This conclusion was much assailed at the time by our sentimentalists. But a few years later that same Russia was hurling men in millions in the attempt to destroy Japan. And continuously thereafter the junta of evil and ambitious men, of whom the Kaiser was alike the mouthpiece and the figurehead, was projecting the stupendous tragedy which has almost, in its reactions, destroyed the civilization of Europe.

Untaught by previous experience, undeterred by the shattering refutation of their beliefs which the Great War brought with it, the idealists immediately had the originality to exploit its outbreak for their own controversial purposes. It was indeed unfortunate, they admitted, that the War should have occurred at all, and especially war so savagely conducted and flung over so enormous an area of the world's surface. But, after all, it had its bright side. For it was to be " a war to end war." This time, at least, when once the ploughshare, according to the correct tradition, had ousted the weapons of war, there was to be no further declension into primeval savagery. And so we were to have a League of Nations consisting in time of all the nations, great and small, in the world, equipped with military and naval force, and therefore able to make good its decisions against a recalcitrant member.

While I believe that there was and still is a modest area within which the League of Nations may make useful contribution to the harmony of the world, the larger claims made on its behalf always seemed to me to be frankly fantastic. Its framers forgot human nature as absurdly as they neglected history. What in the history of the world has ever happened which afforded foothold for expectations so megalomaniac? Divide the history of the world into two broad epochs with the birth of Jesus Christ as the dividing line. An examination in terms however general of these two periods

equips a scientific observer with some material for the formation of true decision. Of the earlier period first :

I do not pause to deal here with the countless minor struggles which everywhere marked the infancy of the world. I mention, only to note it, the evidence collected by Darwin and his followers, showing at work in every department of life the survival of the fittest. But I must bestow a moment upon the lessons to be derived from the Old Testament. According to Holy Writ the chosen people were set in motion in order that they might violently possess themselves of a land flowing with milk and honey. They are " utterly to destroy their enemies." And thereafter we find them over a long period of time, protracted no doubt by their own peccadilloes, engaged in violent and bloody strife with various antagonists. It may, of course, be said, in view of their desperate struggles with the Philistines, that the latter were very wicked men.

Unfortunately, however, there always have existed in the world wicked men. Perhaps, therefore, it is necessary to import the qualification that all wars are to cease, except against very wicked men. But even here a difficulty presents itself. For every war that I know of has recurrently presented the same phenomenon that each protagonist believed, or pretended to believe, in the moral vileness of the other.

In 1914, for instance, the French affirmed the Germans to be wicked aggressors, whereas the German people as a whole loudly proclaimed the criminal initiative of Russia.

It must, therefore, I think, be admitted that the history of the chosen people, and indeed the Old Testament, taken as a whole, afford little ground for optimism in this regard. A similar but more extended observation falls to be made about all the great Eastern Empires of the ancient world. Indeed, in this connection sombre images throng the mind. Egyptians, Medes, Persians, Assyrians—all these achieved empire

at the point of the sword. Of how many dead empires does the silent and immobile East contain the record? In what graves repose the millions of their unprotesting slain?

A happier and more humane experience might have been looked for from that exquisite intellectual efflorescence which we associate with the greatest of Greek States. Yet historically their records tell of almost continuous strife. So bitterly indeed, and amid such jealousies, did they wage war with one another that they could not combine even against the fierce Macedonian, and so one more rare and beautiful civilization perished utterly from the earth.

To Greece succeeded Rome, teaching the entire world through the whole of its stern, dominating, and Imperial sway, that might was right, and that a sharp sword in the hand of a disciplined soldier was the most persuasive argument in world diplomacy.

And there came, too, in correction, the message of Jesus Christ, tender in its simplicity, superhuman in its humanity. The creed of Him who was crucified was to spread with incredible swiftness over a large part of the world's surface. Mighty powers and great princes have rendered homage to the message of mercy and peace which came from those divine and persuasive lips.

Yet, while we take note of the spread of the Christian religion, we must none the less ask what has been its reaction upon international conduct? What was its influence over the recent world convulsion? What was its spiritual and intellectual contribution to that poignant problem? Why did an omnipotent Deity suddenly doom so many innocent victims to bestial destruction? Did the greatest priest in the world, enthroned in his Roman palace, ever pronounce a clear and intelligible conclusion upon the moral responsibility for the outbreak of war or upon the methods by which that war was conducted? Was he influenced by the fact that his flock diverged beneath different standards?

If so, he ceased to be the divinely appointed mouthpiece of the higher morality and declined to a place, such as it was, among the politicians.

After a digression, apparently, rather than actually, irrelevant, we may resume a hurried historical summary.

After Rome, the Barbarians; after the Barbarians countless decades of anarchical chaos. And then throughout the centuries a long succession of almost uninterrupted wars—wars dynastic; wars territorial; wars on points of honour; and wars of naked aggression. England and France; England and Spain; England and Holland; England and France again; France and Germany; and thereafter the violent emergence of the Hohenzollern dynasty, more cynically based on blood and iron, more determined *debellare superbos* than any Power since mighty Rome.

Are we really to learn nothing from all that has happened over this immense period of time? Does any warrant exist for the belief that human nature has altered its whole character? And, if so, what is the warrant? And when did that alteration take place? And, more particularly, what evidence of this great reformation do we find in what has happened in Europe since the Armistice? There have been wars and rumours of wars. I do not myself know of a moment in the last four years in which there has appeared to be less prospect of permanent peace in Europe than at the present moment.

Nor is it an answer to say, as some do, that the infirmities of the Treaty of Versailles were responsible for the unrest and the violence which distract Europe to-day. If there were infirmities in that Treaty these again were infirmities in human nature which cannot be corrected. For the statesmen who put their names to that Treaty—to the territorial readjustments of that Treaty—were themselves the mouthpieces of imperious and conquering democracies, and the views under discussion here are largely founded upon the expectation

that the human nature of democracies will not undergo much modification. And if it does not they will obtain statesmen malleable to their purposes.

Summing up this branch of the matter, we are bound to conclude that from the very dawn of the world man has been a combative animal. To begin with, he fought violently for his own elemental needs; later, perhaps in tribal or communal quarrel; later still, with the growth of greater communities, upon a larger and more sophisticated scale. And it is to be specially noted that there have nevertheless almost always existed men who sincerely but very foolishly believed, firstly, that no war would arise in their own day; and, secondly (when that war did arise), that for some reason or other it would be the last. At this point the idealist degenerates into the pacifist; and it is at this point consequently that he becomes a danger to the community of which he is a citizen.

Athens, in her decline, had no lack of such advisers; and, unhappily for the City of the Violet Crown, she preferred their sloppy folly to the ardent eloquence of Demosthenes. In the days of Napoleon (who had a very just contempt for these "idealogues") Charles Fox harnessed his eloquence to the chariot of sentimentalism. But he switched rather abruptly as soon as he became Prime Minister. And in our own day we have been afforded convincing evidence of the real peril to national security which arises when idealists grow too strong in the conduct of public affairs.

Perhaps this happened in 1906. Every sensible person now realizes that even in that year the German scheme was being nebulously conceived; and its deadly menace increased with every year which passed. I myself in a book called "Unionist Policy," published in 1910, devoted a long article, of which I shall presume to say that it was closely and clearly reasoned, to demonstrating the soundness of Lord Roberts' warnings. But the immense increase in the German Army, the construction

of strategic railways upon the Belgian boundary, the creation of a mighty fleet, left our idealists unconvinced.

And accordingly every year the annual meeting of a great federation, with pathetic faith and sincerity, passed resolutions in favour of reducing our military and naval expenditure; and a member of Parliament, in private life an admirable citizen and a sagacious chemist, produced the immortal saying that he would rather trust to the doctrines of international law than to the protection of the British Fleet. Even the robust patriotism of my dear friend Mr. Winston Churchill succumbed for a fugitive moment to the miasma, though the lapse in his case was to be nobly retrieved by the demoniac energy elicited by actual contact with the Admiralty.

It was, indeed, in these years that Idealism became rampant with those in power. Notorious and almost vital facts were everywhere ignored. German editors were entertained by English editors in London, and dilated with fluent eloquence upon the pacific intentions of the Fatherland. English editors in their turn visited Berlin to enjoy, in that martial capital, the same agreeable reassurances.

And all the time the armies grew. All the time a mighty instrument was being fashioned in the German fleet. All the time Heligoland frowned more impregnably upon the North Sea. All the time those great military railways, unneeded for peaceful traffic, were debouching upon the defenceless Belgian frontier.

In the welter of sentimentality, amid which Great Britain might easily have mouldered into ruin, my valued colleague, Lord Haldane, presented a figure alike interesting, individual, and arresting. In speech fluent and even infinite, he yielded to no living idealist in the easy coinage of sentimental phraseology. Here, indeed, he was a match for those who distributed the chloroform of Berlin. Do we not remember, for instance, that Germany was his spiritual home? But he none the less

prepared himself, and the Empire, to talk when the time came with his spiritual friends in language not in the least spiritual. He devised the Territorial Army, which was capable of becoming the easy nucleus of national conscription, and which unquestionably ought to have been used for that purpose at the outbreak of war. He created the Imperial General Staff. He founded the Officers' Training Corps.

Two other names require special and honourable mention in an age of incredible self-deceit. Lord Roberts devoted the evening of an illustrious life to warnings of marvellous prescience which passed almost unheeded. General Baden-Powell used the laurels which he had gained at Mafeking to inspire and sustain the noblest and most promising movement which has taken place in our lifetime. The foundation of the Boy Scouts established for this gifted and imaginative soldier a monument more lasting than bronze.

It has been thought worth while to retrace the events of these fateful years with some particularity in order to show that Idealism in national affairs is not merely impracticable, but that it may easily degenerate into a deadly source of national peril.

Still a further illustration may be drawn from recent events. The signing of the Armistice immediately released all the sentimentalists. Not only was the Great War ended, but there was never to be another. The League of Nations was to be equipped with functions and resources which would in effect enthrone it in super-sovereignty over the contributory nations. But herein the statesman who of all others should most completely have understood the American people demonstrated that in fact he understood them least of all. That people is the most generous people in the world in the field of international charity. The United States have lavished countless millions of dollars upon the starving population of Russia. They were first in the field with bountiful relief to stricken Japan. But they draw—and rightly

draw—a sharp and logical distinction between Idealism in their capacity as private citizens for private charities and Idealism in their corporate or national character. And accordingly they exercised their undoubted right in repudiating at the first opportunity an idealist conception which they believed to be at once impracticable, strange to their traditions, and incompatible with their national interests.

A broader consideration must now in its turn be examined. We are told that the object aimed at is the abolition of war. Everybody recognizes that war is both cruel and hateful. But is it even conceivable that it can ever be abolished ? Is the ownership of the world to be stereotyped by perpetual tenure in the hands of those who possess its different territories to-day ? If it is, very strange and undesirable consequences will one day follow. For nations wax and wane, so that a Power competent in one age to govern an empire, perhaps remote, in the general interest of the world, will in another abuse a dominion for which it no longer possesses the necessary degree of vigour. The history of Spain supplies a familiar illustration.

Her chivalry was second to none in Europe. Her high standard of gallant conduct was disfigured only by the cruelties of the Inquisition. Her stately galleons brought a quiver of apprehension even to the stout bosom of Queen Elizabeth and were never discredited until the rout of her superb Armada. And in exuberant colonial enterprise she was the mistress and pioneer of Europe. In the last-named enterprise, indeed, she flung her civilization and her language into the remote parts of the world, deriving incredible titles from successive Papal Bulls. And coincidently or almost so with her immense maritime enterprise she flung the martial Moor in rout from Spain. But her decline was as rapid as her ascension. She proved no adequate custodian for her oversea possessions. Had a League of Nations existed when she began to lose them, would it have

sustained Spain or the insurgents of Spain, or in another case, the despoilers of Spain ?

The general extrusion of savage races from regions—for instance, the American continent and certain of the South Sea Islands—to which they had some considerable legal right, shows that, rightly or wrongly, nations of stronger fibre, confronted by indigenous weaklings, have always asserted the right of forcible expropriation. No one (to make the argument short) who has studied the history of the world has ever defended the view that the supreme interest of evolutionary humanity can support a definitive delimitation for all time of the surface of the world.

But if such a final distribution is impracticable and even undesirable, by what agency are modifications to be made ? Voluntary cessions of territory have not been frequent in the past ; and there seems little reason to suppose that they will become more fashionable in the future. For many thousands of years the emergence of new and martial nations has been gradually marked by violent readjustments of national boundaries. It may, of course, be the case that human nature has so completely altered that some new method is discoverable. I confess, however, that none has up to the present occurred to my own mind.

It may, perhaps, be charged against those who sincerely hold the views which I have attempted to make plain, that we carry in our veins the virus which coloured the sombre and unmoral genius of Treitschke, and which found popular expression in the mosquito propaganda of Von Bernhardi. But such a charge, if made, would be patently unjust. We neither hold nor have we preached these doctrines. We diagnose certain diseases. We did not create them. A distinction must surely be drawn between him who calls attention to the risk of conflagration and that other who puts his torch to inflammable material.

The purpose and moral of these general observations may be summarized in a few concluding observations.

IDEALISM IN INTERNATIONAL POLITICS

For as long a time as the records of history have been preserved human societies passed through a ceaseless process of evolution and adjustment. This process has been sometimes pacific, but more often it has resulted from warlike disturbance. The strength of different nations, measured in terms of arms, varies from century to century. The world continues to offer glittering prizes to those who have stout hearts and sharp swords ; it is therefore extremely improbable that the experience of future ages will differ in any material respect from that which has happened since the twilight of the human race. It is for us, therefore, who in our history have proved ourselves a martial rather than a military people, to abstain, as has been our habit, from provocation ; but to maintain in our own hand the adequate means for our own protection, and, so equipped, to march with heads erect and bright eyes along the road to our Imperial destiny.

XIV

THE AMERICAN BAR ASSOCIATION'S VISIT

A banquet was given in the Hall of Gray's Inn on July 24, 1924, to the members of the American Bar Association visiting England. Lord Birkenhead, as Treasurer of the Inn, proposed the toast of the guests.

Mr. Junior,—Unfortunately to-night we approach the last of the three occasions upon which we of this ancient Society have been privileged to entertain distinguished Canadian and American guests. For myself, I could wish, if the resources of the human constitution, and, more important, the resources of human rhetoric, permitted it, that this series of entertainments might indefinitely continue. Inasmuch as the Toast committed to me in virtue of my office has been always the same, and must continue in any series of such entertainments as I have contemplated to be the same, inasmuch as unfortunately an official report of these poor contributions of mine is being preserved, I feel no small degree of delicacy at any repetition of that which I have said before.

Unfortunately, my first task has always been, as the task of a Treasurer of this Inn welcoming visitors from overseas must always be, to commend to them in some way the House in which we are privileged to offer you hospitalities. But, so long, so varied is the story of this Society, so innumerable has been the company of men, illustrious in the life and history of this Inn, who have

met, and banqueted, and conversed in this Hall, that it is very easy to discourse upon that topic without incurring the slightest risk of repetition.

I do not know whether many of you here know how old a part of London you are sitting in at this moment. It is comparatively elevated in relation to the Thames. If you had visited the site of this Inn at the end of the thirteenth century you would have seen a lofty windmill. It was part of the possessions, the country seat of one Reginald de Gray, the member and the head of an ancient English family. London was almost remote. He was outside what were called the Customs of the City of London, and here he dwelt, not in title a nobleman, but in state almost a nobleman, wealthy, and removed, as I have said, from the jurisdiction of the City of London. His mansion was here, his farm was here, his windmill was here.

If any of you find leisure during your visit in London to go into our old Chapel (older certainly in many of its features than the Hall), you will detect reasons for supposing that this Chapel was the very Chapel in which, towards the end of the thirteenth century, Reginald de Gray lived with almost patriarchal sway.

And then he parted with his inheritance—how or why I cannot tell you, for history preserves upon this point no authentic record—but he parted with it to a company of lawyers at a time when the legal profession began to associate itself into those Brotherhoods from which the Inns of Court ultimately developed, and a company of lawyers, for their comfort and ours, acquired this site. I cannot give you a definite date, because no historian can dogmatically pronounce upon this matter, but I should suppose it was about the middle of the fourteenth century that this Inn was acquired by lawyers; and it has thereafter been known as Gray's Inn, from the title of the noble family that lived here for so long.

From the fourteenth century onwards it has played

a great part in the life of England. There has hardly been a time when it was not comparable in greatness and in influence with any of the other Inns of Court, and there have been at least two periods in which it has most conspicuously exceeded any of the other Inns of Court, or all of them put together, in the part which it has played in our national life and in the distinction of the men who have enriched our history.

Of all the men whom this Society has sent forth, the greatest is known to every one of you, perhaps the greatest brain which in any country in the world has ever been devoted to the study of the science of jurisprudence, I mean Francis Bacon, whose contemporary portrait is behind me as I speak. He was characteristically a Gray's Inn man. He was not merely a great man, a supreme genius who happened to be a member of Gray's Inn ; he was a man who, if he ever set himself to disentangle the complicated threads of his complex life, would unquestionably have assigned his association with this Inn as one of the most memorable and unforgettable elements in the whole of that most important career. This Inn was proud of him in the moment of his supreme intellectual success, at the moment when, as the founder of the empiric principle of philosophy in England, he was winning the admiration of intellectual Europe ; when, at the same moment, he was universally recognized, with the only possible exception of Coke, as the most unrivalled jurist in these Islands. At the same time, by universal admission, he was an accomplished courtier and a sagacious statesman. At that moment it was easy for this or any other Society to remain faithful to so dazzling a light and ornament.

But it was not at that moment that this Society was tested. It was when, in the period of his disgrace, there were few so low to do him reverence ; it was then that, with well-founded confidence and affection, he came back in the tiny Society, to those who, in spite of all, reverenced and loved and cherished him. And you

can still see the site of the rooms into which he crept here to spend the rest of his life, always sustained by the affection of this Society, and I like, in this connection, to recall the imperishable words, in this respect and dealing with this matter, of his Will. He said: "For my name and memory, I leave it to men's charitable speeches, and to foreign nations, and the next ages."

No more valiant and confident appeal was ever wrung from a mind of genius. And the ages have sustained that appeal. Horace indeed wrote of himself and of his expectations, to be well justified in the event of immortality, "*Exegi monumentum ære perennius*"; but although we have from Horace his own admission upon the fact that "*Militavi non sine gloria*," he had at least never pretended to be a soldier. Bacon, who made this supreme and confident and justified appeal to the balanced perspective of history, had been a Judge and he knew well how far the strictures and the condemnation which rent him were well founded.

If time allowed me, I could dwell upon many other historical circumstances which I think would not fail to interest you. Queen Elizabeth, whose brilliant portrait confronts you there, was the great friend and patroness of this Inn, and she lived in a day in which it was not even improper to remark of a monarch that she was the protectress of this Inn; and if any of you have leisure to-morrow, or even to-night, to walk up the steps that lead to our Library you will see a picture, not without interest, though of somewhat recent production, which depicts Queen Elizabeth, with some charming maids of honour and attended by courtiers, walking up and down the paths of that garden in which many of you gave us the pleasure of your company either yesterday or to-day, and in the room which adjoins this you will find a chair of undoubted authenticity which was presented to this Society by Queen Elizabeth herself.

I cannot help hoping that many of you have had occasion to visit our Gardens, because one of the most delightful essays of Bacon was upon the subject of gardens. The phrase has been quoted a thousand times in publications in your country and in ours in which he spoke of gardening as the purest pleasure of all. Well, Mr. Junior, you know, but perhaps some of our guests do not, that that beautiful and even stately garden, secluded in the midst of the very business of London, was designed in its main elements by Bacon himself. If you read that essay again, and if you have studied our garden, you will, I think, read with an added interest his recommendation that in every garden there shall be a bank, not too steep, with perhaps a hedge upon it, perhaps six feet high.

You can go into Gray's Inn now, hundreds of years after all that was left of Bacon materially has become ashes, and you can still see that bank, that hedge and bank six feet high, which he commended in the famous essay. You will not indeed see the hedge upon the top of the bank, for, when he wrote, that which lay upon the other side of the hedge were the pleasant pastures of the English country-side of that day. The hedge has been succeeded by a row of iron railings, just as the pastures in which the sheep browsed in his day have been succeeded by a succession of streets which an unfavourable observer might even describe as slums. And therefore the hedge has given place to the iron railings. But the superiority of one who, whether he wrote Shakespeare or not—and being a Gray's Inn man he certainly ought to have done—at least reached in this essay a charming and delightful conception.

I would remind you of one other observation, because that again is perpetuated in the modern appearance of our garden. He said: "I wish also, in the very middle . . . alleys, enough for four to walk abreast." If you have seen our garden, you will see that there is to-day, as there was in Bacon's day, the same broad

alley in the very middle, wide enough for four men to walk abreast.

I hope that these historical recollections of vital interest to us in this House will not prove too tedious for those whom we cannot hope to interest so vitally as we ourselves are interested in them; but I thought to-day that perhaps there was some lesson to be gleaned from that which I had the happiness of observing this afternoon.

As there are no reporters here, except those whom we can happily control, because the only reports are official ones, I may be allowed to say that I abandoned the attractions of the Garden Party at Buckingham Palace, in order that I might have the happiness of witnessing the assembly within these beautiful, historic gardens of a large number of American and English children, and I confess to me the afternoon was one of deep emotion.

I looked at those beautiful children of both countries abandoning themselves completely, as all childhood should, in the days of its vernal spring, to the pleasure and the enjoyment of the moment. I saw them, brothers and sisters, utterly unconscious of any historic difference, and utterly determined not to allow anyone to create any new historic difference. In their sweet and charming association I drew an augury happy and confident as to the future of these two peoples. We are not, I hope, to be instructed altogether by our children. They never heard of Lord North—I suppose they will have to one day. King George the Third did not disturb their enjoyment of the Punch and Judy exhibition, and I think they would have given a short shrift to anybody who had tried to intrude topics at once so alien and so antagonistic to the enjoyment of the present.

I cannot help thinking that we may perhaps draw some moral from that party which the hospitality of my friend Sir Plunket Barton afforded to-day to the

youth of both countries. I am not sure that they have been given a chance up to the present; if they have not, it has certainly not been their fault. They have had textbooks thrust into their hands—thrust, I ought to say, into their unwilling hands—on which they were never consulted, and of which at least they can claim that they were not the authors. May we not throw far behind us the memories of far gone unhappiness? May we not leave the dead past to bury its past and realize that the whole English-speaking community is the trustee of civilization and owes a responsibility, not to the past, but to the future?

If you take the length of time during which the Roman Empire exercised its matchless sway, it exceeded by some three centuries the period, not inconsiderable, in which the British Empire has exercised high influence. No one living is bold enough to place a temporal limit upon the period of time in which the United States of America must be among the greatest countries in the world. Are we, indeed—you with your thousand or two thousand or three thousand years in front of you; we, with we know not what undischarged span still to pass—are we for all time to be placed under the memory of things that took place two hundred years ago?

Let us devote our lives to the vital present and to the immensely important future. Let us do it in the spirit of men who say: "We make no inquest into the dead past; we realize our responsibilities to the men who are alive to-day, who depend upon us for inspiration and advice and guidance, and to those future generations who may point either to their happiness or misery as a result of our acts or of our omissions."

XV

SIR WALTER SCOTT

This address was delivered to the Scott Society in Edinburgh on December 5, 1924, *during Lord Birkenhead's presidency of it.*

My Lord Provost, my Lords, Ladies and Gentlemen,— I must, I think, justify my presence here at the outset by making one practical observation such as I hope may be heard with patience by Scots. The Society over which I preside to-night is one which reflects credit upon that fidelity to the great men of the past which has for long distinguished your folk. It is, believe me, a society which deserves the support of the citizens of Edinburgh, and I hope, occupying the position of President, that I may be allowed to urge upon those here to-night, in the happy capacity of irresponsible guests, that they should hasten to become members of the Society, and by doing so both reinforce its finances and contribute some further distinction to the memory of the greatest of Scottish writers, who had also some larger claims of which I will speak hereafter.

When I was asked to become President of a club which is already ancient, I accepted the invitation, as was indeed natural, but not without trepidation, for it seemed to me that this club must from the very nature of the case consist mainly of Scots, and that he who presides over such a club should naturally and normally be a Scot; but I corrected a view which was perhaps somewhat timidly formed by recalling a remark which your

old friend and admirer Dr. Johnson made in reply to one who was putting the prerogative of the Crown very high. The line was quoted, "Who rules o'er freemen should himself be free"; Dr. Johnson said, "Sir, I cannot agree with you. It might as well be said: 'Who drives fat oxen should himself be fat.'" So I was led to believe, encouraged by your considered invitation, that he who leads Scottish admirers of Sir Walter Scott might, at least for the period of twelve months, be permitted to be an Englishman.

My incapacity for the task could not be more plainly exhibited than by the fact that I was constrained to-night to refuse even perfunctory tribute to the noble national dish which graced your table; but, on the other hand, I may claim what I think few in this room can assert, that, before I went to Oxford more than thirty years ago, I had read every one of Scott's novels at least three times; and I do not believe that one quinquennium has passed without my re-reading them all within the period. And I can make the further claim that, without ever having been supported by any resource of wealth, having always to consider and reconsider any extravagance at the bookseller's, I possess to-day a first edition of all Scott's poems and a first edition of all Scott's novels, including the rare "Waverley," though not, unhappily, clad in its original boards.

And indeed it would be a view very incomplete of the genius of that revered figure, whom to-night we celebrate, if it were to be supposed that he was only a Scottish hero. It is a common experience that English politicians or public men who address Scottish audiences are corrected for too frequent a reference to a not unworthy, but an incomplete adjective—I mean the word "English." I may, perhaps, retort upon this occasion that to claim Scott as purely Scottish would be doing a wrong to the memory of a very versatile and most complete citizen of the Empire. When I look back upon his career, upon his teaching, upon the inspiration

which he has breathed for so many years into the youth of the Empire, I think of him rather as a great Briton. I recall that over a period of years charged with crisis, not only to the fortunes of Scotland, but to the fortunes of that Empire in which Scotland is a shining unit, there was none more eloquent, none more untiring, in his presentation of the national case against the tyranny of the Napoleonic system than Walter Scott.

Nor were the reverberations and the reactions of his message confined to this country of Scotland. They found readers and made converts the whole world over. Congruously, therefore, with the teachings of which he was the eloquent, and at times almost the inspired mouthpiece, I recall the lines which thrilled not only Scotland but England when the astonishing career of the younger Pitt was prematurely closed—

> "The trumpet's silver sound is still,
> The Warden silent on the hill."

We look back, as we must so many years after his death, in cool, passionless review over the career of a great man of letters. It is sometimes helpful, it is sometimes reasonable, to examine him who is the subject of your thought as a man as well as a writer; sometimes (though not always) it is even kinder. The shades, the phantoms of François Villon, Benvenuto Cellini, Byron, and Oscar Wilde are entitled to urge that they should be considered, and should be considered mainly, as artists by posterity. The claim is fairly well founded, though Byron could make a distinguishable case.

When a human being has contributed something of genius, something permanent and vital, to human thought and to human art, he is entitled to claim that the generations which follow shall extirpate from their minds recollections, however grave and painful, of any human infirmity which may have disfigured his career. For art is one thing and morals quite another. The contribution of the artist is not to be disparaged by the

recollection or the arraignment of ethical frailty. But when we deal, as it is our happiness to deal to-night, with one whose life and example were as pure and as admirable as were those of Walter Scott, it is reasonable to begin the attempt to understand what he was, and what he stood for, by some appraisement, however slightly attempted, of his qualities as a man.

I do not know—and I choose my words carefully, not applying them without earlier reflection—I do not know of the career of any great man of letters more consistent, simpler, nobler, braver, than the career of Walter Scott. It made, inevitably made, when once the brilliancy of his literary equipment was realized, a strong and lasting appeal to the loyalty and admiration of the Scottish people. In every bone, in every fibre of his inmost being, he was Scottish. He was sprung from the loins of men who had ridden hotly in many a mad foray, in many a bloody raid. I cannot doubt that had he been free to determine his own career, had he not suffered almost from childhood from depressing physical ailments, he would have wished for himself, responding to the blood that flowed through his veins, the career of a man of action or, as he might have said, of *derring do*.

You have been reminded to-night of the words in which that great soldier, Wolfe, stated at a supreme moment of his career—one of the great moments in history, a moment which was to determine the future of the British Empire, perhaps even the civilization of the western continents—that he would rather have written the noble words of Gray's "Elegy" than have stormed Quebec. To me it seems on the whole probable that, approaching such a choice from an inverted angle, Scott would have sacrificed the whole of his poetry, the whole of the Waverley novels, could he have stood, a Scottish soldier, in one of those squares at Waterloo which faced unconquered and unconquerable the bitter succession of French assaults.

As I look back upon that kindly and meritorious life (for I am talking of him at this moment not in relation to his literary quality, but as a Scottish citizen and Scottish gentleman), I like to think of him (and to me this may be conceded as a Scots lawyer of late admission) first as Sheriff and then, dignified and courteous, as Clerk of the Court, serving through the long years without salary, but with the reasonable hope of reversion to an office which he greatly valued and, in the end, unobtrusively adorned.

I recall Sir Walter Scott, great poet, great master of romantic imagination, dining with the douce lawyers; sharing with sly enjoyment those conceptions of legal pleasantry which do not always appeal to laymen; and not shrinking from the warm and generous potations which have frequently confounded the weaker heads of legal guests. I recall, too, the bitter and, as it seemed, the deep-seated rupture of his first romance in vivid youth. Alas! most of us are old enough to know that romantic wounds are, in the main, curable, and most of them—a saying harsh to youth—within a fugitive period. Therefore the tears which, had we not known what was to be—the exquisite happiness of his actual marriage—we might have expended on his failure to indulge the first passion of vehement youth, may be arrested, superfluous and unshed.

When I think of that period in his career, I like also to re-create the man in the eye of my mind as success gradually enabled him to become a laird and a proprietor of land. Such an advancement was evidently always in his mind. He could never resist buying a farm. He must always be adding to his acres. And I recall his incredible labours, rendered tolerable, I suspect, by this land hunger. He rose, as you know, to begin his writing at five o'clock in the morning. He wrote standing always, after he became Laird of Abbotsford, because "he had enough sitting in the discharge of his duties." He wrote—tirelessly, infinitely, beautifully—until failing

health made it physically impossible for him to write more. Every word of these unforgettable novels was in his own delicate and exquisite handwriting. I had an opportunity of examining, thirty years ago, many of the manuscripts which the late Mr. Ruskin treasured in that library which looked upon the delightful waters of Coniston.

It is hard indeed in these days, when writers of the greatest eminence summon a stenographer, to be followed in the background by a typist, to realize the actual physical labour which was necessary in order that this sincere and untiring craftsman might produce the great work of years which we know as the Waverley Novels. I ask attention to the courage and resource of the man. When he was already well advanced in the fifties, by no fault, as you know, of his own, except that a very much occupied man was generously—almost disdainfully—careless of his own interests, he had the misfortune to become involved through the negligence (I use to-night no harsher term) of the Ballantynes and Constables in pecuniary embarrassments which to any other living man than Scott would have seemed to be insoluble and even desperate. When the accounts were fully adjusted, it became evident that the irregularities of those whom he had trusted, assisted by his own recklessness, had involved him in liabilities amounting to more than £100,000. In a staggering and poignant moment he displayed a reserve of courage, and a moral resilience, which were not exceeded in physical dourness by any of his soldier-ancestors.

He devoted himself forthwith to the task of extinguishing that debt; and I need only remind you that at the time when he sustained this most grave—as it must have seemed, this irretrievable—blow he was already conscious of a sharpness of disease sometimes driving him from the dinner table with screams of pain which even his strong courage could not conquer. Nor was that weakness any new thing. Scott's earliest recollec-

tions were of lying on the floor, wrapped in the skin of a newly killed sheep and being enticed by his grandfather to crawl painfully towards him. His deformity did not prevent the enjoyment of fair general health in youth and middle age. He possessed, indeed, considerable muscular power in boyhood and early manhood, but as early as 1817 he was a martyr to violent internal pains, and when "Ivanhoe" appeared, his suffering was so constantly acute that his amanuensis, frightened by his moans, would beg him to stop dictating, only to be told, "See that the doors are fast; I would fain keep all the cry, as well as the wool, to ourselves. As to giving up the work, that can only be when I am in woollen."

Such was the man, such the feebleness of his health, while he spent himself inexorably upon the last task of all. In those years, by a prodigy of exertion never exceeded even by the incredibly industrious novelists of France, Hugo, Balzac, Dumas, and Zola, he repaid, before he died, the creditors (only in the moral field *his* creditors) £62,000 of the total obligation; and when his copyrights were finally disposed of, when the last contribution was made by the second greatest biographer whom these islands have ever produced, his devoted son-in-law, Lockhart, the uttermost penny of an indebtedness, in those days immense, was discharged.

In this matter neither Scott nor his publishers have escaped censure. The issue indeed was not entirely one-sided. Scott may have reposed unwise, because excessive, trust in the men who linked him with the great reading public; his rashness in assuming personal responsibility for heavy bills due by his firm was of a piece with the impetuosity of his character; Lockhart may have overstated Scott's ignorance of the ramifications of business, and must (I think) have turned a half-closed eye to the large drafts his father-in-law drew for building and other current expenses. The systematic method of bill-discounting was well open to reproach. Scott's own words cannot be overlooked: "I owe it

to Ballantyne to say that his difficulties, as well as his advantages, are owing to me." All this, and perhaps more, can be, and has been, quite justly alleged; the shield without a shadow belongs only to the realms of fancy. But even those who attribute a full—and probably an undue—measure of blame to Scott for many things which conduced to the crash of 1825, agree that his subsequent handling of his affairs was heroic. Bankruptcy, with its coat of financial whitewash, suggested itself—and was suggested to him—as an easy way of dealing with his creditors, who on the whole showed leniency and courtesy; bankruptcy would have done nothing to dull Scott's literary fame, and little to disturb his normal life. But the ruined old man waved it away. "I will be their vassal for life, and dig in the mine of my imagination, to find diamonds to make good my engagements and not to enrich myself."

Apart from the feeling evidently prevalent that the failure of a great national hero to satisfy his obligations would have been treason to his whole conception of life, it is pleasant, and not amiss, to note at this crisis the attitude of those who touched Scott's life most nearly. His daughter's music-master asked to contribute all his savings towards the deficit; Sir William Forbes, familiar friend and successful rival in his first love-affair, settled a demand of £2,000 which might have involved arrest, and kept the transaction secret; the old farmer, Laidlaw, who was perforce ejected by the trustees from his holding, came every week to walk and talk with his patron; the coachman became ploughman-in-ordinary; the butler halved his wages and doubled his work; and there was not a former dependent who did not exhibit the same tokens of loyal affection.

Even in these days when writers reap large rewards, one finds it difficult to realize that Walter Scott amassed, by his exertions, a bondsman in the service of those to whom he was debtor, over £40,000 between January, 1826, and January, 1828. His almost incredible labours

undoubtedly shortened—if they did not end—his life. In 1829 his symptoms seriously alarmed his friends; a year later came a swift stroke of paralysis. Still he clung grimly, almost desperately, to pen, ink, and paper. The time, he saw, was short. There was still much ground to be regained. He laboured on, and his labours fell in quality little below their former level. Then, with the second numbing stroke, a veil began slowly to drop across the tired memory; he became possessed—did Providence ever permit a happier delusion?—of the idea that his debts were paid; that his commercial honour was vindicated; and that he was free to go and do as he pleased. The physicians recommended a sea-voyage; he had hitherto been deaf to all entreaties that he would rest the weak body and relax the overstrained mind. Now foreign scenes and climates beckoned alluringly to him; the Government placed a vessel at his disposal, and for more than a year there was pure enjoyment in a cruise on the Mediterranean waters, and in visiting places of absorbing interest. But when the end was drawing near, Scotland and the "misty sheilings" irresistibly claimed him, and with imperious will-power he insisted on being carried across Europe to die where he lived, and was loved, at Abbotsford.

He was a great Scot, a great gentleman, a great Briton; and there would be justification in his example to the youth of Scotland and England, had he never written a word which the reasoned judgment of posterity pronounced to be worthy of survival, for the existence of your club and for the admiration which year by year you show to the memory of this illustrious man.

But there were other sides of him which are intimately in the minds of all of you to-night. I ask leave to say of him a few words first in the capacity of poet; and then to make some observations upon that astonishing series of novels which I am persuaded will endure as long as the English language is spoken or written.

I have often read of the contemporary impression

which was made by the appearance of "The Lay of the Last Minstrel." It created a sensation on both sides of the Border as great as that produced by the fundamentally different work, upon the publication of which it was said that in one night Byron woke up and found himself famous. Many explanations might be made, if the right attitude of mind is indeed to require an explanation, of the swift and sudden success of Scott's work. Let me attempt one or two. In the first place, there was a treasure-house of material for him who had the observation to discern and the genius to exploit it, lying hid in the romantic periods of Scottish history, which up to that time had almost entirely escaped the industry or the attention of your Scottish poets. Indeed, it is not one of the smallest services which he rendered to literature, and to the history and national traditions of Scotland, that he most clearly saw that not only was there here a vast and inexhaustibly rich subject-matter, but that it was one which lent itself in particular degree to the special gift which he alone possessed.

Contemporary literature was not rich in poets to whose genius it could reasonably be hoped that such a romantic topic would make a promising appeal. The world had passed far beyond the smooth, barbed, artificial alexandrines of the period of Pope; Cowper, with all his finesse and tact, with all his homely intimacy of sympathy and perception, lived in another age; Coleridge had neither found his audience nor attained the full stature of his genius; and suddenly there arose in this small country of yours, with a population relatively insignificant, one of the consummate ballad-makers of the world.

Higher praise cannot very easily be given to a poet. It may be a more sonorous eulogy to aver that such a one is a master of poignant tragedy; of another that his art has conquered the very spirit of exquisite lyric; but to claim for a poet, who comes himself of a martial race, that he has reproduced in stirring poesy the soul of a fighting people; has re-created the traditions and

personalities of an age, vanished indeed, but to be born and reborn in the passage of the centuries—this is a tribute to Scott which, had he never set pen to prose, would still leave him high among the Immortals of song.

I have often thought, though the relatively abrupt metre which Scott adopted suffers, as an instrument of heroic exposition, in comparison with the majestic, flexible, and musical hexameters of Homer, that he belongs none the less to the men who were labourers in that school of Greek ballad-art which, if the theories of modern scholars be well founded, produced, as a result of composite effort, those matchless efforts of genius which many of us still choose to associate with a single name.

I cannot doubt that Walter Scott was of the spirit and company of whose gay and vivid troubadours who journeyed through the ballad-loving cities of Greece, singing their sweet songs beneath its violet skies. William of Deloraine, Roderick Dhu, the Last Minstrel, the Duchess of Buccleuch—name after name springs to mind when one thinks of the remarkable technique, marred here and there perhaps by an element of crudity, but redeemed by an artistry which is only realized after repeated and painstaking analysis.

I am sure that there has been no poet since Scott wrote who has taught so attractively to adventurous youth the story and the gallantry of the past; who has taught it more to the profit of the present; more to the hope of the future. I am sufficiently a believer in the teaching of Scott to be sure that neither is this world now, nor hereafter will it be, an easy world to live in. I have never been able to persuade myself that the arms of the strong will not again and again be required by Britain in the years that lie in front of us. Let us by all means devote every influence of which we are masters to avoid war; but do not let us be so blind to the teachings of history as to believe that great possessions will be permitted in the future of the world to soft peoples. They never

have been ; they never will be. I incurred some censure in a speech which I made at Glasgow a year ago, and which was only liable to censure (if at all) because it contained so many platitudes. It was an address founded upon the philosophy and teaching of Sir Walter Scott.

I for one believe, recalling the unforgettable achievements of so many Scottish soldiers in the crucible of that war through which we have so lately passed—recalling the glorious part they played, to take one example among many, in that unhappy battle of Loos in which the largest Scottish army marched which has ever assembled under one banner—that we must realize how much the soldierly spirit of a race naturally martial has been nourished by Walter Scott. Scotland, by her supreme efforts, surpassed her own exalted traditions. She stood foursquare, the equal comrade of England, of Canada, of Australia.

I pass in natural order to the subject of Scott's novels. No more interesting literary chapter has ever been written than that concerned with the anonymity which he preserved over so long a period of years. In one of the introductions—I think it is the introduction to "Waverley" (I speak from memory)—he discussed the ethics of anonymous production, and the honourable obligation of an author, who, deliberately choosing to withhold his name, is asked point-blank whether or not he is in fact the author of his book. Scott argues, in the first place, that a man is entitled to protect his own secret in such a case ; and, in the second, that, if this be admitted, he must be entitled to meet impertinence by reticence. But it must be observed that the word "reticence" is somewhat inadequate alike to the necessities of the case and to the ambit of the argument, because if a man asks, "Are you the author of 'Waverley'?" and you reply, "I decline to make any statement on the matter," the purpose of the questioner will be fully achieved. I cannot myself doubt that the teaching of Sir Walter Scott (and I infer also, his practice) was to preserve

a secret which he conceived to be his own by any bluntness of affirmation or negation which he found necessary for his purpose.

The limits indeed of permissible mendacity, if there be such, have long been the subject of interesting ethical debate. One remembers the old assumption that in no circumstances was a positive falsehood permitted to a man of honour. But a test has been applied. Supposing you are standing at a point at which five different roads diverge. A terror-stricken wretch runs past and takes one of these roads. Seven minutes later six armed villains follow in hot pursuit and ask you which road he has taken. What is your answer to be? You may, of course, answer that you did not see him. That would not be true. You may refuse to answer at all, but I have already supposed that the villains were armed, and, therefore, on the whole, one would perhaps think it proper to answer. I believe—indeed I hope—that you would lie.

I do not pursue these topics further, full of interest as they are; but I make the observation how singular it was that, over this long period of years, so few people really knew that Scott had written these romances. Almost exactly a hundred years ago, and in this ancient city, the authoritative announcement was first made that Scott was the author of the Waverley novels.

I cannot, in any time available to me, even attempt to measure the quality of his stories, still less to estimate their permanent place in literature. To me it seems certain that they must occupy one of the highest places, if only because their begetter was almost the pioneer of adventurous romance. No one had ever adjusted to the form of the novel, romantic literature in the sense in which he conceived and expressed it. The world of letters had wept over the long-drawn-out and maudlin sentimentality of Richardson; had reviewed the long-postponed seduction of Clarissa; the robust humour, the high spirit, the humanity of Fielding; the cynical,

ironical, and coarse brilliancy of Sterne. And there were women writers, too, almost of the same period, whose charm and ingenuity still deservedly command the admiration of discriminating readers. It remains, nevertheless, broadly true that Scott was the pioneer of those romances which commingle, in subtle alchemy, the atmospheres of adventure and love; and it remains equally true that, ever since he wrote his novels, the reading taste of the world has more and more inclined towards the imaginative and adventurous among story-tellers. Scott was the true father of Stevenson. What a father! What a son!

Consider how vast was the canvas upon which he painted, how versatile and fecund the brush, how vivid the pigment. He wrote, indeed, upon the scale and with the range of the greatest masters of French literature. It is certain that the exuberant genius of Dumas owed much to the full-blooded yet literary pages of Scott; and I never watch the Three Musketeers galloping from Boulogne without recalling that they paid a debt to the dreams of adventure so brilliantly flung into words by him who was Dumas's master. Did Dumas, I wonder, know how much Scott owed in rhythm (or thought he owed) to his gallops on Musselburgh sands?

And now, I ask you only to consider the number of Scott's stories; to consider the variety of his plots; to consider, if you assembled in one room the immense number of characters created by him, possessing in almost every case a distinct and enduring individuality, how wise, how witty, how brave, how beautiful the company! What would one give to meet them as an inconspicuous guest?

Nor, as I have indicated, would it be right to dismiss him from the British point of view with the light and almost disparaging observation that, after all, he was particularly if not entirely a Scottish author, a Scottish hero. Sometimes it is put almost as if some barbarity or obsolescence of diction made it impossible that he

should be generally appreciated or even generally understood in England. Wilder nonsense was never talked. We are not so simple as is sometimes supposed. I have little knowledge of the Scottish dialect—I had none until, for my sins, I was led to acquire some acquaintance with the Scottish feudal law—but I am bound to make it plain that I never felt difficulty in understanding any of Scott's allusiveness, or indeed any of his language.

I make a still further claim. I say that, if he had never written one Scottish romance, he would yet be entitled to live for ever in the pages of an English Anthology, prosaic or poetic. For he showed himself to be as capable of understanding the soul of St. George, the underlying essence of pre-mediæval England, as of harping melodiously and forcefully on the strings of your own storied clannish life. What is "Ivanhoe" but the very spirit of St. George and England? Robin Hood is painted with a touch as masterly and as faithful to English tradition as "Rob Roy" is to your conception of the character of that bold Scottish adventurer.

Walter Scott was in fact almost as eloquent a witness to the genius and patriotism of England as to the genius and patriotism of Scotland. I recall here that so lavish, so prodigal, was he of stray lines of poetry that much of his best may have perished (for the authorship of it) for ever. He often treated his poetry like his money affairs. He has carelessly prefaced many of the chapters of his romances by verses which another would have collected with care, and published with complacency. This brings me to one of the strangest paradoxes in literary history—

> "Sound, sound the clarion, fill the fife!
> To all the sensual world proclaim,
> One crowded hour of glorious life
> Is worth an age without a name."

For sixty years it was not only supposed that this verse was written by Walter Scott, but it was conceived that

it was the very embodiment, in its highest and most eloquent expression, of his gay and daring philosophy of life. And quite recently it became known that these lines, which he himself described as anonymous, had been published in a comparatively unknown periodical in the course of a poem which contained not another distinguished line, and which was not otherwise known to the literature either of Scotland or England. Some faithful Scot lately wrote to a literary paper in London that Sir Walter Scott, with his accustomed generosity, may have been asked to read over an anonymous poem by an unknown contemporary, and may have contributed the one jewel it contained. I should like to believe that this was true. A lawyer, alas! cannot so believe.

And so, by way of ending, I add an alien, if affectionate, tribute to the majestic edifice of that fame which has spread over all the civilized world. As I look back on that long, unselfish, noble, toilful, and patriotic life, I take pleasure in borrowing the words of a young English poet, written of a friend who lost his life in a water-sodden trench—

"Oh strong, Oh brave, Oh true! Farewell."

XVI

HOUSE OF LORDS REFORM

A speech delivered in the House of Lords on April 2, 1925, in the debate on a Motion by the Duke of Sutherland, "That there be laid before the House papers with regard to legislation for the Reform of the House of Lords."

My Lords,—The first day of the debate which was initiated by the noble Duke in a very interesting and very clear speech, was remarkable for more than one feature of interest. We had the opportunity of hearing the views both of the noble and learned Viscount, Lord Haldane, and of Lord Oxford and Asquith. Much of the interesting speeches which these noble Lords delivered contained, as one would have expected, passages of importance.

Lord Oxford agreed that we must in this country retain a system of government by two chambers. He agreed, if I understood his speech aright, that the urgency of the matter had not diminished since the memorable occasion on which he announced that its solution "brooked no delay." He added that the urgency of domestic demands upon the time of the Government of the day had unfortunately rendered it, at that time, impossible to implement what he and his friends, including the noble and learned Viscount, had described at that time as "a debt of honour."

His historical account of the matter might perhaps have been a little more complete. The reason, of

course, why domestic legislation rendered it impossible at that time to attempt a solution, was that the noble Earl, and I may add the noble and learned Viscount, were at that time not completely masters in their own House. They were dependent upon the Irish vote, and, to put the matter perfectly plainly and bluntly, the Irish, who were keeping the noble Lords in power, said plainly: "We are not going to waste our time upon this sort of subject. We authorize or instruct you to proceed at once with Irish legislation." And that was the reason why this problem, which brooked no delay, was, nevertheless, delayed. It is very desirable in these historical matters that, if there be a question of responsibility, we should place this responsibility upon the shoulders where it ought properly to rest.

I find it necessary, in the second place, to make this observation upon the speech of the noble and learned Viscount. He told us that on the whole, in his opinion, it was wisest to let the matter rest, to leave the House of Lords where it stands to-day. Now, surely I, as representing the Government, am entitled to ask him a very plain and a very explicit question. Is this, or is it not, the official attitude of the Labour Party? The noble and learned Viscount assures me that the attitude of the Labour Party in relation to this question is that we ought not to reform this House at all, but to leave this House to exercise its old constitutional functions without modification or improvement. It does not surprise me that that is the view of the Labour Party, because it is profoundly stupid and utterly indefensible.

[Viscount HALDANE: "The noble and learned Earl will forgive me, but he has only half stated what I said. I said that, so long as you left things alone, we are content that they are going well, but, if you begin to strengthen the House we will produce our own policy, in the constituencies, where you will hear a good deal of it."]

It is not the first time that we have met the noble and learned Viscount in the constituencies, and I dare

say we shall sustain his vigorous onslaught again with some measure of equanimity. But the noble and learned Viscount has left the matter a little more obscure even than it was before.

If I understand his attitude aright now, it is this: The Labour Party is content with the House of Lords as it is constituted to-day, and it does not intend to make any proposals for its improvement or alteration, unless and until we make proposals which may have the effect of strengthening it. Then I was perfectly right in saying that, unless and until proposals in the direction of strengthening this House are brought forward, the policy of the Labour Party is to leave the House of Lords as it is constituted to-day.

Let me attempt to point out how utterly impossible it is to leave this House as it is constituted to-day ; and how, if the Labour Party understood their own interests and the part which this House must play, and always has played, as an instrument of government, they could not possibly make themselves responsible for such a proposal.

So long as there were two Parties, one succeeding the other in alternation, each of them represented in this House, never, indeed, in approximately equal numbers, but each of them always represented by statesmen of capacity, experience, and ability, it was possible on the whole for those who were in favour of maintaining the existing condition to justify their view, because it is always difficult to interfere with an institution as old as this. But that situation is completely altered. It has been altered in the last four or five years. The position to-day is that, if and when this Government disappears, when we are routed by the fervent platform eloquence of the noble and learned Viscount and his friends, and driven from power, our places will be taken—I say it without any disrespect to my noble and learned friend Lord Oxford—not by him and those who sit around him in this House, but will be taken, I will not say by

those who sit opposite me on that Bench, but by many who have been in close political co-operation with them in the last few years.

What does this mean ? It means that we are to have in this House a Government which does not contain those who must necessarily be the exponents, the mouthpieces, of its views. What happened when the last Labour Government was formed ? A very interesting series of adaptations, if I may be allowed the expression, and contrivances took place before our eyes. We had, first of all, my noble and learned friend Lord Parmoor, who had been a zealous Tory for the greater part of a well-spent life, and then, quite suddenly, emerged as the adornment of a Socialist Bench. When I ventured to ask him for some more precise definition of the change which he had undergone, morally and intellectually, he informed me—a rather puzzling expression—that he had always been a Christian Socialist. I have never known what a Christian Socialist was. I understand in the main, I hope, what a Christian is, and I have some conception of what a Socialist is, but what precise change you make in the adjective or the noun when you combine them I do not understand. Nor did the noble and learned Lord ever condescend to explain.

We had also the advantage of the presence of the noble Viscount, Lord Chelmsford, when the late Government was formed. Lord Chelmsford's attitude was, I think, a comparatively intelligible one. He said, in effect : " I sit here surrounded by, contaminated by, Socialists, Christian and otherwise, but I am not a Socialist at all myself, and the moment I disagree with the Socialists, whose councils I am attending and whom I am supporting by my reputation and my influence, I shall leave them at once." But the trouble was that, the greater the errors they made, the more deep the complications in which their political inexperience involved them, the more Lord Chelmsford stuck to them, and I ultimately reached the conclusion that he was a more reliable

colleague even than the noble and learned Lord, Lord Parmoor—though he was never lacking in fidelity even in doubtful moments.

Those who were responsible for the Labour Party then, if I may use a homely expression, filled up that Bench in other ways. They found an amiable Liberal who had sat a great part of his life in the House of Commons, and who was not unwilling to reconsider the general nature of his political orientation and accept a Peerage in your Lordships' House. And so, here and there, we gained an accession : here a young enthusiast who had not been very long removed from his University days, and there, as I have said, one or two swiftly-made converts from the Liberal Benches.

But this process cannot continue indefinitely. Supposing that the country lost the services of this Government in about ten years. Let us attempt to reconstruct the political position. There is no one sitting upon this Bench who does not desire to find the noble and learned Viscount and the noble and learned Lord as strong in their health, as fluent in their explanations, as undiminished in their political vigour as they are at this moment. But we may be less fortunate, and equally the Socialist Prime Minister, who is called upon to face the responsibility of forming a Government in ten years' time, may not share the admiration which we in this House have for the noble Lords who sit there. What is he to do ? Is he to go through the whole process over again ? Is he to find another Lord Parmoor ? He may not be so fortunate. We cannot find a Lord Chelmsford growing upon every bush ; and, as for the noble and learned Viscount, we shall not easily find his like again. What is such a Prime Minister to do ?

These are situations that have to be faced, unless this House is to disappear for ever as a conceivably efficient instrument of government. It has been the part of the House of Lords, on the whole discharged efficiently through the centuries, to be a contributary, an almost

equal co-efficient with the House of Commons, and an equally necessary co-efficient still in the constitutional practice of this country. We are now face to face with a state of affairs in which the Government of the day, if it be Socialist, can only fill up that Bench by these profoundly unsatisfactory, these hole-and-corner, these disingenuous methods, and the noble and learned Viscount says that they do not desire that there should be any change at all.

I can understand the noble Lords who at this moment adorn that Bench saying that they do not desire any change. It seems to me they are in an extremely preferential position. They all strengthen your Lordships' House by their presence. They are the wearers of hereditary titles, and they all hope that they may be here when the next occasion arises. But, supposing that the Prime Minister forming this new Government, and looking round that Bench, does not share the general enthusiasm and admiration which we have for them, what is to happen ? Is he to create eight more hereditary Peers—not with the slightest intention of really recruiting the strength of this House, because the Socialist Party does not believe either in this House or in hereditary Peerages—and, therefore, by an artificial means, to continue to support a House by methods which must be particularly affronting to their political consciences ? This, we are told, is their permanent policy. I find difficulty in believing it.

I, for my part, am of opinion that if there were no other reasons for entering at once upon the task of the reform of this House an imperative reason would lie in the fact that if, and when, a Socialist Party is again returned to power in this country we must at least have a Second Chamber in which they can possess upon those Benches men who really share their views and are really authoritative in their counsels, and some measure of support on the Benches behind them. If you do not secure that, by the very change which events will have made in the

character and the contribution which it is in its power to offer, you will yourselves have destroyed the House of Lords, because you will have acquiesced in circumstances which necessarily involve its destruction.

I would preface the observations I am about to make upon the subject, to which I have given a good deal of time and thought, by making this observation. The problems are two. We have, in the first place, to decide upon the numbers and the constitution of that body which we shall recommend. In the second place, we have to reach a conclusion upon the powers which we shall recommend to Parliament to entrust to the body so reconstituted. And it is very important that the House should understand that neither I nor any other Minister is at this moment in a position to come forward and say : " This is the plan, this is the proposal of the Cabinet."

Every new Cabinet is a new political entity. This is not the same Cabinet as Mr. Baldwin's last Cabinet. It is still less the same Cabinet as Mr. Bonar Law's Cabinet. Each new Cabinet, in virtue of the changes which take place in its constitution, must re-examine constitutional problems as formidable as that which confronts us to-day, and I say quite plainly it is no secret that no sustained consideration has been given at present by the Cabinet to this question at all in its corporate Cabinet capacity, and the fact has been made public and is known to your Lordships that it is the intention of the Prime Minister to appoint a Cabinet Committee for the purpose of working out a scheme.

I make this plain because the value of this debate is that it may be made suggestive. Of the speeches that were made on the first day of the debate all of them, I think, possess elements of value ; and it should be plainly understood that in any observations which I may make, I am not purporting in any way to express the considered conclusions of my colleagues or any of them ; but I am attempting to play the part which may be played by any noble Lord in this House, wherever he sits, who

has thought about this subject and who comes forward with any suggestion which is offered at least for consideration. With this preface, which I hope will avoid any misunderstanding, I will indicate to your Lordships the views which I still hold upon this matter.

In the first place, I would make it clear that I think the principal weakness of this House is to be found in our numbers. I believe that there are no fewer than seven hundred of your Lordships who are entitled to attend the sittings of this House. Of those seven hundred I have been here long enough to say with confidence that the day-to-day work of the House is really done by about two hundred Peers. Of this I am sure, that no circumstance has done more to impair the reputation and the efficiency in the public esteem of the House as at present constituted than that there are so large a number who make no pretence at all of discharging their Parliamentary duties.

Equally you will not find often, selected in any rank of life, seven hundred men holding office by descent from generation to generation of whom all will bear an unimpeached moral character. You may be so fortunate in one generation, but in another generation you would be less fortunate. It does not recommend itself, in my opinion, either to the common sense or to the conscience of the citizens of this country, taken as a whole, that there should be fifteen or twenty men, possibly with a criminal decision against them in the Courts, possibly with a history of bankruptcy, very often with some verdict of a civil court which has unquestionably involved, in the opinion of most people, a moral taint, who, if a grave issue does arise, should be constitutionally entitled to come here and pronounce upon it as legislators. It is not right. It is not defensible, and in my judgment the circumstance that it has been possible to point to this House as being unpurged is one which has injured it almost more in the public esteem than any charge that has been brought against it.

I must add this. Our numbers have been, shall I say most pleasantly enlarged, in the last fifteen years. The noble Earl, Lord Oxford, was most hospitable in the invitations which he extended before, to our great comfort, he joined us in this House. His successor, Mr. Lloyd George, greatly encouraged by the general desire of the Liberal Party to become Members of this Assembly, added with a hand even more prodigal to the membership of this House. In fact, it is due, I think, almost entirely to the activities of these two great statesmen that in this House almost alone in the world we are able to produce sitting upon four Benches so many well-known Liberals.

How are we to deal with this problem? I confess I would deal with it somewhat as follows. The precise number is unimportant, whether one calls it x or gives a term of hundreds. From seven hundred I would reduce the number of this House to about three hundred. The Bryce Committee produced a very ambitious scheme which had every conceivable advantage, except that nobody wanted and nobody would support it. They greatly reduced the numbers. I think they went too far. Supposing the numbers in this House were in the region of three hundred, that would be a workable Assembly. It would be an Assembly which, having regard to the precautionary suggestions I am about to make, would be likely, in my judgment, to assemble for the day-to-day discharge of their Parliamentary duties.

The next question obviously is this. If your numbers are somewhere in the neighbourhood of three hundred, how are you to determine your method of exclusion, and, conversely, upon what principles will you settle the standard of inclusion?

A picturesque member of this House, remembered by all your Lordships, I think, with interest and by many with affection, Lord Willoughby de Broke, never failed to take part in these debates. I can still see him rising

from the Bench where the noble Earl now sits, making it quite plain that no scheme which he had ever heard adumbrated on this subject satisfied him that he would be among the survivors, and that until a scheme was produced which guaranteed him that he would survive where all his long line had sat before him in this House, he was an unconvertible enemy of any form of reform. I can still hear him declaiming, as many of your Lordships can, the virtues of heredity in foxhounds and hunters. That is a type of opinion which, though it is still, as the Lord Chancellor[1] said a few days ago, represented in this House, perhaps not weakly represented, is hardly so picturesquely represented, and is not in my judgment likely to survive.

How then are these numbers to be selected ? The first suggestion I would make is this. There will always be in this House a number of men whom, making the best rough examination I can, I have placed somewhere in the neighbourhood of a hundred and twenty who have occupied either high political or high administrative, or high military or naval situations in the service of the State. Let us for the sake of arriving at a figure assume that about a hundred and twenty would be found at the moment when we begin to contemplate our reform. I would certainly so define the qualifications that all those hundred and twenty would be automatically included. Then I shall be asked, how about the other hundred and eighty ?

I am not in favour of the fanciful or ambitious proposals which are put forward in certain quarters, though I agree that all these must be considered. My proposal is a modest one. It has the advantage that I think it conceivably—I do not put it higher than that—is one which a Government might be persuaded to bring forward, and I think it is one, though I say this very doubtfully, which your Lordships might be persuaded to adopt. It is this : that the other hundred and eighty

[1] The late Viscount Cave.

should be co-opted from among your Lordships by the members of this House. That gives me a certain figure.

Now I shall be asked : How is this proposal of yours to satisfy that purpose which you declare to be of the highest consequence, of enabling the Labour Government of the future to be represented in this House ? I deal with that matter with two suggestions, the merits of which must be, I think, at some time or other considered and decided upon. In the first place, I would undoubtedly have a nominated element. I will make a suggestion in relation to numbers. The nominated element, who might be known as Lords of Parliament, without of course acquiring a hereditary rank, would be nominated by the Prime Minister of the day. The numbers may reasonably be made the subject of discussion and of compromise.

Let me make a supposition, for the sake of argument—and here I leave my figure of three hundred, because I do not wish to be involved in too precise a relation to a particular figure. Supposing the Socialist or Labour Prime Minister, a year ago, when he unexpectedly had to take office, and had to face his constitutional difficulties in this House, had under our Constitution possessed the power that so long as his Government lasted or for some alternative period—there are other methods, which I do not stop to examine here—had the power of nominating fifty members of this House to be Lords of Parliament. Observe what would have happened : In the first place, it would have been possible for him to send to this House —I say this without any disrespect to noble Lords—really vital, characteristic mouthpieces of the trades union movement. It would be an enormous advantage to us that we should meet here and debate on the floor of the House with the men who sway great masses of their countrymen in the constituencies, and whose arguments are really the arguments that count. We should not shrink from attempting to answer those arguments in this place.

Conceive what the strength of a body so constituted would be ? In the first place, it would be a small body, numerically compact. We should have a hundred and twenty men of the highest distinction, who had served the State in high administrative or other capacities. We should have a further number, selected by the decision of the whole body of the Peers, and that method of selection alone would be a guarantee that they would be representative of your Lordships' House, and of all that in history it stands for, and will stand for in the history of this country in the future.

I am only telling your Lordships, whether it be regarded or whether it be not regarded, the advice which I myself should certainly give to any Government which did me the honour of consulting me. I reject absolutely the idea that you are to take immense constituencies, and that your Lordships and myself, at our time of life, are to begin to address ourselves to constituencies which I suppose would consist, if our numbers were sufficiently truncated, of somewhere in the neighbourhood of three hundred thousand or four hundred thousand people. No, I do not believe that, on the whole, it is the desire of the people of this country that they should have two kinds of competitive democratic election-produced chambers. I am certain that jealousy and dispute would be the result, which would certainly not be an improvement upon the present state of affairs.

Then it is sometimes said that it might be possible that a method of indirect election should be adopted, that your Lordships, in other words, instead of sitting here because you are the sons of your fathers, would be sitting here because you had attracted the favourable attention of some county council.

This recommendation, I confess, has never appealed to me at all ; indeed, a noble Lord once observed, I think with perfect truth, that he would far rather go to the Jockey Club to select the members of your Lordships' House, and was confident that they would, on the whole,

make a wiser selection. Without making the matter so comparative, I would only say that county councils were never brought into being to discharge functions of that kind. It is wholly alien to their character, and I am certain it would tend to infect them, wholly unnecessarily, with the virus of general Party politics, and that it would, in the end, produce a Chamber in which nobody would have the slightest confidence, and at which everybody would justly laugh as being created by a number of esteemed country people who were brought together to fulfil quite different administrative functions.

If you dismiss the proposal for direct election at the hands of great constituencies, and if you dismiss the thoroughly artificial, and in my judgment unworkable, proposal of election by means of either county councils or comparable bodies, you are, in my humble judgment, brought back to some suggestion at least of the general character of that which I have made.

I shall be asked next: If you have a body like this so constituted, and which will be immensely strengthened in public esteem, in the regard and the confidence of the nation, with what powers do you recommend that it shall be equipped? Here I wish to make it still more plain that I speak for myself, and for myself alone, that I am speaking merely with the hope of contributing, as others of your Lordships have done, something that may at least be made a basis of discussion, and which shows the way in which an individual mind, for what it is worth, is moving. With that reservation then, I make it quite plain that I do not think it would be possible, even with a second chamber so reconstituted, to attempt to interfere with the main purpose and effect of the Parliament Act, greatly as I myself detested and resented that Act and mischievous and artificial as I think its conception was.

But history has moved, years have passed. We in this House acquiesced, rightly or wrongly, in a conclusion which, at our risk, we could have disputed. We did not dispute it, and so far as my individual advice is concerned,

I should not advise your Lordships at this period of our history, and after the political developments which have taken place during the last few years, to reopen this controversy at a moment which in my judgment is less promising to its successful solution than the occasion when I and many of my friends most deeply urged this House to challenge and test the menaces by which they were induced to assent to this legislation.

What then in relation to powers is attainable ? In the first place, as the Lord Chancellor pointed out, it is most urgently to be desired that a change should be made in the method by which Bills are certified as Money Bills. The Lord Chancellor made it plain that he, and I think he was speaking for every member of the Government, paid the most perfect tribute to the impartiality of Mr. Speaker, whoever at the moment Mr. Speaker may be. But this House has justly resented that the *ipse dixit* of the other House should decide without the possibility of any discussion what Bill is a Money Bill, and should so destroy any possibility that this House could discharge, in relation to that matter, its function as a revising House. I believe that a general measure of assent could be produced for a modification of this anomalous and intolerable system. I think that a Committee of equal numbers of members of the House of Commons and House of Lords, presided over by Mr. Speaker, might in all disputed cases reach a conclusion as to whether or not a Bill was affected with the character of a Money Bill.

It may be said that if you have six members of the House of Commons and six members of the House of Lords and you have Mr. Speaker as the Chairman, that you are, in fact, still leaving the final decision in the hands of Mr. Speaker. But things in practice among reasonable and honest men do not work out in that way. If you have a discussion between six reasonable members of this House and six reasonable members of the other House you would not have—I would stake any reputation I may

have for political judgment upon it—the members of the House of Lords agreeing with one another, nor the members of the House of Commons agreeing with each other. And you would be sure that Mr. Speaker would have the advantage of hearing all the arguments and would not be left, therefore, to his own unassisted resources in deciding this important point. I am encouraged to believe that a reform of that kind would be acceptable because it was, in fact, accepted by all the Liberal elements which supported the Coalition at the time this matter was last under discussion. It is inherently just in itself; it is Parliamentary history which affords no small degree of encouragement, and it would be an extremely valuable reform.

In the next place, it seems plain that the Parliament Act requires amendment in one material point. As things stand at present we have not the slighest guarantee that a Socialist Government coming into power to-morrow might not use the terms of the Parliament Act itself to destroy even the vestige of liberty that is left to us under that Statute. It was one of the most amazing omissions, if it was inadvertently omitted from the Act, which has hitherto been pointed out. One thing surely is indispensable, and it is that we should be the jealous custodians of such liberty as still remains, and it should be provided in any reform proposals that no alteration of the Parliament Act itself, with the little security and independence that were left to us, should take place unless there had been an explicit General Election upon that issue.

Further, I am of opinion that we should adopt a reform which nearly every great constitutional system but our own has admitted. We ought, I think, to allow Ministers the right of audience in both Houses. Conceive the advantage it would be to us in existing circumstances, or rather in circumstances through which we have passed and which may easily be recurrent. What is of real consequence, leaving the shadow for the substance, is

that this House should maintain its vital contact and traditional influence with public affairs. How can we best do that. Surely it is by having those here for the purposes of discussion, and in a Ministerial capacity, who, speaking with high responsibility, can justify their policy, so that having heard the justification and defence we can either approve or resist it. It is not a good system that a Department should be represented upon the Government Bench by a noble Lord who has not actually any administrative responsibility for the affairs of that Department. It is not really a system that can be satisfactory to those noble Lords who desire information.

I shall be asked as to the practical difficulties in the way of a change of this kind. In my judgment, they are not very considerable, certainly not invincible; and it is perhaps sufficient to say that in France, and in many other countries, in most of the constitutional systems which we have had occasion to study, you will find that the practical difficulties which do exist have been successfully surmounted. In my judgment it would be of equal advantage if from time to time those who are Ministers and in charge of great Departments should have an opportunity, when their policy is being disputed in another place, of leaving this House and making their views plain there. Both this House and the House of Commons would gain.

I come to almost the last point in relation to which I desire to offer a suggestion, and that is that there should on occasions of differences which have been found insoluble by existing methods, be a Joint Session of the two Houses, in numbers to be precisely determined but in relation to which it is obvious the numerical representation of this House would be smaller than that of the House of Commons. And I ought, I think, to make it plain that this suggestion is not by any means a new one. It was made more than once in 1910, and made authoritatively. It was made in the days of the Cabinet

Committee, appointed by the Coalition, over which my noble and lamented friend Lord Curzon presided, and it has been examined by many of those who have applied their minds to these questions.

I am attracted by the proposal because, in days when Parliamentary government and Parliamentary institutions are disparaged and assailed, I value everything which adds to the dignity, the appearance, the ceremony of Parliament, and I can conceive nothing more stirring to the imagination, at a time when great issues have disclosed themselves between the House of Lords and the House of Commons, than that both these two bodies, which have been so greatly contributory to the political fortunes of this country in the past, should meet together, with the responsibility that an occasion so striking and conspicuous would surely bring, to see if any method founded upon reason or compromise could not be adopted to settle the particular controversy that had arisen between them.

I cannot pretend that, in the time which I could reasonably ask your Lordships to give me, I have done more than touch upon the fringe of this great subject. I have made a number of individual suggestions, making it quite plain that they are individual, and that they are made in the hope that, if any of your Lordships think it worth while to do so, they may elicit criticism and even, it may be, dissent. But let no one attempt to divest himself of this individual responsibility: that although it is very easy to find objections to the proposals which I make, somebody—excepting those who believe that no reform is necessary—must make some suggestions on their own behalf. In other words, you cannot merely reject everybody else's proposals and say that nevertheless you are in favour of the reform of the House of Lords. In my experience of this difficult matter I have never yet found myself in any company, whether it consisted of Peers or of commoners, in which there were not as many suggestions as there were members present

contributing to its discussion, and I believe that we shall find that this will be the experience of this House the moment that we begin to make concrete proposals.

The matter is extremely simple, so long as you confine yourself to instructive and pleasant generalities, as did some of the noble Lords who spoke in the debate a few days ago. It is perfectly easy to utter generalities which, because they are generalities, will command general assent, sometimes even enthusiastic general assent. But this question is not going to be solved by generalities but by a plan, by a scheme; and although I am well aware that detailed objections can be taken to every one of the proposals which I put forward, and although I am not even myself wedded to them and have put them forward as being rebuttable by argument here and rebuttable by argument among my colleagues, I do at least put them forward as a basis of discussion in the hope and belief—and this is all that I care for—that we may, in an age in which so much changes, preserve and collect something at least from our storied past and hand down to those who will follow us a House which still retains some contact with the spirit and the traditions of the House of Lords as history has known it.

XVII

THE INDIAN TROOPS IN FRANCE

The first of these speeches was delivered at the unveiling at Neuve Chapelle, on October 7, 1927, of a Memorial to the Indian Troops who fell in France during the War; the second at a lunch at Bethune to Marshal Foch on the same day.

I

The outlines of the great story, to the mortal side of which to-day we pay homage, have been drawn by the distinguished soldier who succeeded Sir James Willcocks in the command of the Corps. I have nothing to add to his summary or to his narrative.

But I ask leave to offer a word of affection, of gratitude, and of admiration to the memory of James Willcocks. Stout soldier, staunch friend, ardent patriot, he had for the Indian troops an affection which did not yield even to that of the illustrious Roberts. On him, too, may the earth rest lightly. If such things happen ever, or can happen, be sure that his spirit is in our midst to-day.

I cannot look at this memorial without emotion. It expresses in noble but sophisticated architecture the gratitude of an Empire to the fallen dead of storied India. It was originally designed to commemorate those soldiers only whose last fate was unknown, and to whose bodies were denied the rights of pious sepulture. But a broader and a wiser decision has ordained that it shall stand here for all time to remind those who come after

us, not only of the glory of the missing, but also of the sacrifice of the known Dead. And surely this decision was altogether right, for no man can do more than this—that he gives his life.

In three respects, while all who fought suffered greatly and wrought nobly, the endurance of the Indians was specially to be remarked.

First, they fought thousands of miles from their homes, in strange and unfamiliar surroundings, among peoples whose tongues they did not know; whose ways were not their ways; whose civilization—better or worse—was not theirs.

And, secondly, they fought in a climate to which their bodies were not inured, and for the endurance of which they lacked habituation; most of them made swift exchange of the scorching heat of India for the weeping skies of Flanders. I saw them—I can see them now—shivering in those early and primitive trenches, standing up to their knees in foul water—their features composed in that mask of fatalism which gave an impression of pathos altogether terrible. Their bodies were often broken by the elements, but their souls were never conquered. They did not taste of death but once.

And, thirdly, these men who have died fought in a quarrel of which their understanding was less perfect than was that of those by whose side they contended. The Belgian remembered a happy and innocent country which he had almost wholly lost. The French saw all around them the cruel signs of local destruction; and, through the vivid eyes of imagination, must in dark moments have apprehended the loss of Paris, the Incomparable, and the spread of that menacing invasion into yet further areas, unknown, incalculable.

And so, too, in History, those whose valour was rendered immortal by Thucidydes fought near to their homes and in a quarrel with known dangers. Nor did the Spartans who perished at Thermopylæ offer their lives upon an issue obscurely understood.

It would be an insincerity to pretend that in this sense the objects with which this war was waged could have been known, or were known, to the majority of the Indian Army. Many a humble soldier, one suspects, must have thought of his far-away village, sun-swept, unmenaced, and wondered what inscrutable purpose of whatever deity he worshipped had projected him into this sinister and bloody maelstrom.

It is in all these circumstances the special soldierly virtue of these troops that they met with undefeated eyes the clash of a novel and horrible war, certainly without the clear, perhaps without the discernible, stimulus of a danger to their own homes, or to their own wives and children.

Whence, then, came this spirit of endurance and of high endeavour? It came from the twin sources of an inborn and simple loyalty; of an instructed and very perfect discipline. Like the Roman legionary, they were faithful unto death. They had accepted a duty. They discharged it. More cannot be said: more need not be said.

But of another element in the gallant force which is represented in this memorial I must certainly add a word. There perished, in fourteen months in France, directing and inspiring the Indian Corps, two hundred and sixty British officers. There were wounded over a thousand. The names of those who have no known grave are here recorded. I know enough of the minds of those who followed them to be sure that they would most deeply resent any appreciation of their own worth which failed to include a tribute to the British officers whom they trusted and in whose company they trod the bitter road of death.

And, so, in an alien soil we leave the Indian troops where they died. If the intuitive belief of mankind through the ages be well founded—if a region of happiness awaits the true and the valiant—may the spirits of these men, in that region, know that they did not die in vain!

II

M. le Ministre, M. le Maréchal,—

Ce matin nous sommes réunis—d'une voix unanime, en temps de paix comme en temps de guerre—pour rendre hommage aux soldats qui, tout en remplissant un simple devoir, sont venus des Indes pour soutenir une cause glorieuse.

Nos camarades dorment maintenant loin de leur pays, loin de leur foyer, loin de leurs familles, mais ils dorment dans le sol français. Ils dorment dans un terrain que la France nous a consacré, et la France qui pleure des milliers de ses enfants n'oubliera jamais ceux-ci.

J'ose même croire que c'est vous, Monsieur le Ministre, et ceux qui vous suiveront dans vos responsabilités, qui auront soin que les habitants de Neuve Chapelle comprennent dans l'avenir tout ce que signifie ce monument que j'ai eu l'honneur de dévoiler en votre presence.

Il me reste une tâche fort agréable, une tâche qui par n'importe quel anglais serait accomplie avec la plus grande joie, c'est de porter un toast à l'armée française, et de saluer du fond du cœur ce glorieux soldat de France, le Maréchal Foch.

Et, Mesdames, Messieurs, tout en admettant que la France peut se vanter, et doit se vanter d'avoir un soldat dont la renommée ne s'éteindra jamais, je me souviens que nous anglais partageons un peu cet honneur, car le bâton de Maréchal de France a son jumeau, et le Maréchal Foch n'aurait qu'à mettre un uniforme rouge pour être acclamé chez nous comme "Field-Marshal" d'Angleterre.

Pendant plus de quatre ans les soldats français et anglais se sont appuyés l'un sur l'autre avec une entente militaire parfaite; ensemble ils ont marché jusqu'au bout, vers cette victoire éclatante et décisive. Ainsi c'est l'Armée vers laquelle—et en même temps vers vous, Monsieur le Maréchal—je vous prie, Mesdames, Messieurs, de lever vos verres.

[Translation.]

We have come together this morning, single-hearted in peace as in war, to pay homage to soldiers who, in the fulfilment of their duty, came from India to fight in a noble cause.

Our comrades sleep to-day far from their native land, far from their homes, far from their kin, but they sleep in French soil. They sleep in a place which France has consecrated to us, and France, weeping for thousands of her own children, will not forget these.

I am emboldened to believe, Monsieur le Ministre, that you and those who succeed you in office will ever look to it that the inhabitants of Neuve Chapelle shall comprehend the significance of the memorial which I have had the honour to unveil in your presence.

A very pleasant task remains to me, a task which any Englishman would discharge with the utmost happiness—to propose the toast of the French Army and to pledge from the bottom if my heart that glorious soldier of France, Marshal Foch.

Ladies and gentlemen, while I admit that France can boast, and ought to boast the possession of a soldier whose fame will never disappear, I remember that we English too have a certain share in that honour, for the baton of Marshal of France has its twin, and Marshal Foch need only don a red tunic to be acclaimed by us as a Field-Marshal of England.

For more than four years English and French soldiers fought side by side in a perfect military entente ; together they marched to the end, towards a victory as brilliant as it was decisive. And so I ask you, ladies and gentlemen, to raise your glasses to the Army and, at the same time, to you, Monsieur le Maréchal.

XVIII

THE NURSE CAVELL FILM

This succinct expression of the case against the public exhibition of a film "Dawn," which professed to be founded on Nurse Cavell's trial and death, appeared as a letter in the Daily Telegraph *on February* 25, 1928.

In the discussions which are proceeding upon this subject it appears to me that the decisive considerations are being rather surprisingly ignored. The question is not whether the German Government have any right to request a censorship over the British film. Most evidently they have no such right.

The question is not whether our present system—such as it is—of censorship is satisfactory. Very likely it is not. The question is not whether any films heretofore exhibited in Germany have been calculated to give offence in Allied countries.

The issues (for there are two) cut far deeper.

The first is: Is it in the interests of peace and international goodwill that we should perpetuate by public exhibition those incidents of the war which most embitter its memories? Do we desire, or do we not desire, that a new era of peace should dawn in Europe?

Do we, or do we not, desire by every means in our power to increase that mutual good feeling which must be established in Europe unless all alike are to perish in ruin? Do we serve any useful purpose by exasperating and humiliating a Government which has shown by its

repudiation of the Hohenzollern dynasty its opinion of that dynasty and of its works ?

Is it really our wish, while attempting to complete the Locarno edifice, that Baralong films, true or false, should be exhibited in Germany ; and Nurse Cavell films in the Allied countries ?

I should myself have thought it was a commonplace that every man and, still more, every woman, of good intention, who does not wish to see his son or her son involved in another war, would strive by every effort to put away the memory of these old unhappy things in the effort to establish a new and more humane relationship.

We are told that the existence in London of a statue to the heroic and incomparable woman whom it commemorates for ever, is inconsistent with these views. It is not. A dignified memorial to the immortal dead has as little relation to the incidents of a hectic film as a classical picture of the crucified Jesus to the attempt to commercialize His anguish for the purposes of Hollywood.

The second point seems to me to be even more decisive. What would Nurse Cavell herself have said about this proposal ? The true purposes of this sainted woman—her only message to the world—are engraved on her memorial—

> " Patriotism is not enough. I must have no hatred or bitterness for anyone."

Does anyone suppose that the woman who, at the very moment of her agony, could speak like this, would permit her death to be commercialized, with the certain result that the bitter memories associated with it would be kept alive and fertilized so as to prevent the sweet restoration of friendship and good relationship between the nations of the world ?

And what is the object of this adventure, over the frustration of which we are invited to shed tears ? Is

it to preach a Holy message? Are the profits to be devoted to some charitable purpose? Will they establish foundation scholarships to train a new generation of women to the Nurse Cavell standards?

Or are they intended to bring in profit to the producer and those associated with him? If this, indeed, be the purpose, is it decent so to exploit the agony and the sacrifice of the noblest woman whom the war produced? And so to exploit it in circumstances which, as I have shown, make it almost certain that nothing in the world could have seemed more horrible to that brave, proud, and sensitive nature?

XIX

LOOSE THINKING AND OTHER MATTERS

This was Lord Birkenhead's Rectorial Address to the students of Aberdeen University on November 16, 1928.

Much has been said, not all with equal reason, about the influence of environment on character. If there is any truth in the theory that a man's character is shaped by his surroundings, there can be few young people in the world more fortunate than those to whom I speak to-day, the students of this ancient University.

The buildings where you work are certainly among the finest of their kind in Britain ; their surroundings not to be surpassed for a firm and austere beauty. Your lot has fallen in a fair and dignified place ; and you might *a priori* be expected to show characteristics attuned to your environment.

A stranger coming to Aberdeen University might reasonably look for such traits as fundamental common sense, contempt for inane romanticism and loose thinking, a sense of duty both to society and to yourselves. His expectation would, I believe, be justified.

It is natural, therefore, that I should find an understanding and receptive audience for such remarks as I attempt upon the futility of loose thinking. Certain present-day social and polical controversialists suffer from a mania for vague generalizations. The late President Wilson was highly gifted in this respect. These "thinkers" delight to embrace a continent, and all its

people, within the compass of a single half-truth ; they condemn a generation, a government, or a philosophy in a presumptuous paragraph of ill-considered rhetoric. Ignoring the teachings of history, which alone may afford a probable estimate of the present, or prognosis of the future, they dispose of all problems with an airy affectation of omniscience. They replace fact by random speculation, human experience by frothy and unreasoned hypothesis. They twist evidence to found a gimcrack Utopia.

Political parties, more than any human institutions, suffer from such cranks. It would be indelicate and inappropriate in this place to inquire which of the great parties in the state is least affected by such pests. Slipshod self-confidence and theorizing, based neither upon reasoning nor knowledge, are the hall-marks rather of Communism than of the recognized parties. From the altitudes of their air-castles our opponents patronize us as "the stupid party." I have never been ruffled by this gibe; for I have always held that there is more credit in being abused by fools than praised by rogues. Sydney Smith once remarked that " it requires a surgical operation to get a joke into a Scotch understanding " ; but you are well aware that this threadbare jest is really a compliment to your nicely-developed sense of humour. In the same way the supporters of the existing system may indulge a certain intellectual satisfaction when their alleged stupidity is derided by theorists who appeal to the modern ear with a torrent of catchwords ; who have contributed to the national polity nothing but the principle of class-hatred ; to national literature nothing but the rehash of obsolete German doctrines.

I suppose that no political jingle has been so often repeated as the words with which Marx and Engels concluded their notorious " Communist Manifesto "—

"Let the ruling classes tremble at a Communist revolution. Workers of the world, unite! You have the world to win and nothing to lose but your chains."

One pictures the sombre satisfaction with which that pair of turgid writers laid down their pens, and contemplated the closing sentences of a masterpiece of violent pedantry. Gibbon, by the beautiful shores of Lake Geneva, concluding his "Decline and Fall," sinks into insipidity. The quintessence of the Communist doctrine, its first begetters must have thought, was finally crystallized in these stirring phrases. After many thousands of laboured words, which they could hardly expect even the most pertinacious of their disciples to assimilate with appetite, they distilled in an aphorism the whole urgency of their futile message.

Never were sillier words penned. Eighty years have passed since Marx and Engels completed their manifesto; I see no evidence that the ruling classes tremble despairingly before an imminent Communist revolution. Certainly one great Communist experiment has been made, and its failure may be estimated by the fact that Russia is the only land to-day where the workers are still in chains, the only land where the proletariate is alike dumb, oppressed and inarticulate.

The Communist, however, is always an erratic prophet. He resembles that Mr. Kremlin of Disraeli's "Sybil" who "was distinguished for ignorance. He had only one idea and that was wrong." Twenty years ago the egregious Lenin informed the world: "One would be blind not to see that the social revolution in Great Britain is approaching." Its arrival still seems to me to be reasonably remote. In fact its approach gradually recedes.

Let me show by an example what I mean when I assert that the doctrines indicated above are begotten by loose thinking out of ignorance. I will not seek to refute any particular Marxian dogma, although I believe that to do so would not exceed my capacity. Rather I will consider a matter which touches each of you personally and immediately.

You stand on the threshold of your careers. As

students in this University you are completing your education before going out into the world in pursuit of service, of fortune, and of fame. I ask you to consider for a moment how your prospects would be affected by the Communization of our body politic. What would become of you in a Communist State ?

As things stand to-day each one of you is free to create for himself the career he chooses. There is no office in the State, no prize in professional life, no distinction in commercial enterprise, no achievement of scholarship, which does not lie open to the assault of your talents and application. In whatever branch of human activity you have resolved to engage, there are no barriers except those imposed by limitations of ability ; by lack of character or industry ; by the caprice of Fortune.

Would this be true in the other state ? Who dare affirm it ? The consciences of the new revolutionaries are outraged by " the career open to talents." Their perverted notions of social justice forbid them to countenance healthy competition. If they had their way, they would see to it that the race was never to the swift nor the battle to the strong ; they would so handicap each runner that the pace suited the slothful or the leaden-footed.

In such a state the government would be careful to remove every incentive of honourable ambition. The game would never be worth the Communized candle ; there would be no special prize to reward him who trains and disciplines his faculties. Here, I believe, lies the most glaring neglect of fact in the whole crazy superstition. Some of us older men, holding other views to-day, can perhaps remember a period of youthful enthusiasm when we imagined that Society could proceed without the spur of self-interest. A very few years of experience taught the folly of that belief. The world of facts proved to us that an enlightened but staunch self-interest is, and must ever remain, the mainspring of human endeavour.

The explosive reformer refuses to profit by his

experience. He is too proud in his own conceit to learn from life. He idly fancies that by enlisting all men as servants of an octopus State he can solve the problems which have baffled political philosophers since Plato and Aristotle. He is deluded enough to believe that in the abolition of the prizes which stimulate ambition lies the cure for all social ills. By this one gesture he imagines that he can create a new Earth. He imagines a vain thing.

All that is most noble, most valuable, most abiding in our civilization is the fruit of the ambition which such men would attempt to extirpate. I need not, I imagine, speak to you of ambition, or defend it before you. "If it be a sin to covet honour, I am the most offending soul alive." Scotland is renowned as the home of the most ambitious race in the world. If you are respected for one quality more than another, it is that you grimly persevere in your chosen callings until you excel, that you never rest content until you have surpassed your rivals by pertinacity and singleness of resolve. You never needed Disraeli to tell you that "the secret of success is constancy of purpose."

The greatest glory of Scotland lies in the number of her sons, who from small and often obscure beginnings, have won their way to the highest renown. Ambition is the driving force which has enabled these men to achieve their careers. A dour ambition drove Thomas Carlyle from the village street of Ecclefechan to the trimphs of Cheyne Row. A noble ambition transformed the closing years of Sir Walter Scott's life into a romantic epic more stirring than any of his magic tales. Financial disaster, shattered health, and the shadow of old age were impotent to quench a consuming passion to vindicate his reputation in the eyes of his friends, and to satisfy his creditors to the uttermost farthing. It was his ambition to earn as much money as possible in as short a time as possible. He felt the cold hand of death already laid upon him, and he hurried desperately to garner every guinea before it was too late. Who, after contemplating the story of Scott's

dying years, will ever again be bold enough to declare that the desire to earn money for an honourable purpose is base, sordid, or socially unpraiseworthy ?

These are but two from many examples of the excellent ambitions of your fellow countrymen. I could prolong the list of them without end ; recalling to your memory the story of such as Adam Smith, David Hume, Lord Kelvin, Andrew Carnegie, Bonar Law, and Cosmo Gordon Lang, the newly-appointed Archbishop of Canterbury, whose record from the day he left his father's manse is not, I believe, unfamiliar to you. You are better versed in their history than I, and I am convinced that each one of you has made it his heart's supreme ambition to follow, if you can, where one or other of them has pointed.

Nor in England are we lacking in such high examples. Mr. Morris, the motor millionaire ; Lord Leverhulme, the demoniac genius of soap ; Lord Reading, the silver-tongued advocate and diplomatist ; Lord Hewart, Chief Justice and adroit parliamentarian ; Lords Inchcape and Kylsant, in the romance of shipping adventure ; Lord Northcliffe, Lords Rothermere and Beaverbrook, in original journalism—all these have demonstrated (and the list could be indefinitely extended) that the road trodden aforetime by many a bold adventurer is open to that English or Scottish boy who has steady independence, a robust constitution, a fine brain, an unconquerable heart.

Though it may seem at first sight unnecessary, I still counsel each one of you to nourish ambition, to exalt it over self-indulgence, indifference, indolence and self-complacency. There are those who will deprecate my advice and remind you that by ambition Satan fell. Comfort yourselves with the reflection that Milton, despite all his efforts, was forced to make Satan the hero of " Paradise Lost." Up to the present I think that no other revolutionary leader has found his Milton.

When I advise you to nourish ambition, be sure that I am not counselling you to choose the easier part. You

will quickly discover that she is a stern mistress, intolerant of the smallest infidelity in her followers. She will never permit you to accept the buffets of fortune with the resignation of the Fatalist. She will force you to eschew that comforting notion—so beloved of levellers—that man is the creature of circumstances. Circumstances are the creatures of man, and he can mould most of them who possesses the parts and the resolution. Do not rest content with merely raising bulwarks against misfortune; remember rather Gibbon's fine declaration that "the winds and waves are always on the side of the ablest navigator."

Ambition alone, however, is not enough. The most soaring ambition cannot sustain your career unless it be reinforced by character. One of the wisest among the Romans, Publilius Syrus, declared that "his own character is the arbiter of every man's destiny"; and I would have his words engraved on the lintel of every University lecture-room, to remind those who cross its threshold that character counts for more than knowledge, learning, or ingenuity.

The basis of that facet of character which I have in mind is honesty of thought. That is why I have chosen loose thinking for the main theme of my remarks here to-day. Loose, careless thinking is the antithesis of intellectual honesty. Other failings the world may condone or indulge. There are some faults which genius may overcome; but loose thinking will inexorably corrupt the most ingenious mind. Many great men have succeeded, despite defects which were grave and even repulsive. Chatham was cynically arrogant, Charles Fox a gambler, Marlborough disloyal and avaricious; Wellington, oversusceptible to sex, and rather a snob. They suffered for their faults, each in his own way, but they triumphed brilliantly in spite of them, firstly, because they were all very great men; secondly, because they were inflexibly honest in their thought: they seldom deceived themselves much, and never for long.

It is infinitely harder to be honest with ourselves than with our fellows. Public opinion, no less than the sanctions of the criminal law, are healthy deterrents against social dishonesty. But no machinery of policemen and prisons menaces him who seeks to cheat his own intelligence. He who is guilty of loose thinking, and an indolent acceptance of the pleasant in place of the true, is arraigned before no tribunal, is punishable by no court of law. Nevertheless certain retribution pursues him. Because he is too indifferent to face the logical conclusions of the facts which life presents to his notice, preferring rather to interpret these facts in the light of preconceived theories agreeable to his inclination, the loose thinker is condemned to eternal failure in all great enterprise. Intellectual disingenuousness, as I have attempted to show, is the fundamental vice of unsound social conception. Its results will betray the fulfilment of every enterprise based upon this quicksand; and, in the same way, retribution will overwhelm each one of you who indulges in its superficial and fugitive comfort.

It is undoubtedly attractive to live in a world of one's own creation, where every ugly or inconvenient fact is ignored, where only such aspects of life as flatter cherished ideas are allowed. But such a fool's paradise can only endure in artificial circumstances. The first breath of reality will shatter its flimsy foundations. Louis XVI of France and his ministers refused to face facts; they paid for their folly with their lives during the terrors of the first French Revolution. James II was guided by the sanguine but imaginary hopes of his Jesuits rather than by the solid wisdom of Danby. Despairing of his master's folly, Danby left James to lose the crown of Scotland and, later, that of England. More recently, a weak, impetuous and paranoiac monarch refused to face the facts of European politics, choosing instead the flattery of generals and minions. To-day he lives in exile, the prey of corrosive memories and inffaceable remorse.

You will, if you are wise, be warned by such melancholy

examples of fallen grandeur to embrace intellectual integrity as the very basis of your character. It is not material what careers you contemplate, for the paramount importance of honest thinking is common to all. Whether you are resolved to devote your talents to affairs, to scholarship, or to any other service of your fellow men, character is the very stuff from which you must carve achievement. It will almost certainly not be your intentions, your dreams, or your enthusiasms which will sway the world, but your actual personality as it penetrates through and illumines your activities. Be sure, therefore, that you build up that personality on foundations as firm as the granite on which Aberdeen is unshakably set.

I have recently spent some days in my old University, Oxford, in the company of my son, who is an undergraduate in his second year. The memories of my own young days sprang to my mind more vividly than ever before. In many respects I think that the undergraduate is the most fortunate of mortals. He has left behind him the restraints of childhood and of schoolmasters, but he is not yet saddled with the full anxieties of manhood. For a few short years he is suspended between two worlds, the master of more freedom, irresponsibility, and easy gaiety than perhaps he will ever know again.

Let me urge you to use these flying years to the utmost of their capacity. Do not miss a moment of them. I do not merely mean that you should apply yourselves to your studies with vigour and determination. That is understood. "Reading" certainly "maketh a full man," but over-much reading will blunt the liveliest wits. It is not possible to learn a complete understanding of the world from books; I have known many profound scholars who were also profound simpletons. While, therefore, I urge you to strive after academic distinction, I would not have you pretermit the other sides of life. Do not neglect, for example, to strive after excellence in sport; do not ignore the possibility of forming friendships among

your fellows which will sustain and comfort you in later days.

Above all, do not ignore the importance of acquiring a pleasing manner, so that you may feel at your ease in all circumstances and company. I have known many excellent young men, equipped with every advantage of talent and erudition, who have failed in their chosen careers because their manners were awkward. Some of you, perhaps, consider such trifles beneath your consideration, deeming the cultivation of a ready address a surrender of natural individuality. This would indeed be a superficial view. Good manners, in the widest sense of the words, are the outward sign of a complete, harmonious and disciplined personality. The boor strives to hide his fear or his inferiority beneath a mask of blunt uncouthness. Charm, the honied tongue of manners, the exquisite expression of perfect breeding, is an unsurpassable asset to him who can compass it. It may balance a notable deficiency of natural gifts, and carry its possessor where cleverness alone would never sponsor him.

You live in a land whose young men have such opportunities as have seldom been offered to the youth of any nation. I am convinced that you will exploit those opportunities to the utmost. Samuel Johnson, whom on this occasion we can only regard as a hostile witness, declared that "much may be made of a Scotchman if he is caught young." You have been "caught young" by no alien captor, and trained in the admirable traditions of this venerable University. Its grey walls surround you with the atmosphere of four centuries, and more, of garnered wisdom. Each day that you live here you should absorb something of that wisdom; it passes to you in lecture-rooms, on the playing fields, in your contacts with one another, and with your professors. There is every reason to believe, therefore, that when you leave this granite city and scatter, as is the wise habit of your folk, to the ends of the earth, you will carry with you the spirit by which you have been nurtured. It is a spirit of adventure, of

unquenchable ambition, of intellectual integrity and, above all, of honest opportunism. The whole world lies before you ; you have no " chains to lose." I wish each one of you a full measure of success in your attack on the prizes of life. In your hands, too, may they prove to be glittering.

Printed at The Chapel River Press, Kingston, Surrey.
F.30.329

Date Due

MAY 2 1975			

PRINTED IN U. S. A. CAT. NO. 23233

DA 566.9 .B5 A3
Birkenhead, Frederick Edw
The speeches of Lord Birkenhea
010101 000
0 1163 0216373 2
TRENT UNIVERSITY

DA566.9. B5A3

Birkenhead, F.E.

The speeches of Lord Birkenhead.

DATE | ISSUED TO

000354